

PERSPECTIVES ON PRIVACY:  
A SOCIOLOGICAL ANALYSIS

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## DECLARATION

I declare that this thesis has been composed  
entirely by myself and that it is my own work.

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## ABSTRACT

The thesis is concerned to locate and account for the occurrence of privacy, given that we appear unsure how to conceptualize and recognize privacy, vague about what makes privacy culturally available, ignorant about the course of that availability within our own society, and reluctant to be specific about which contextual factors influence whether and when privacy is likely to obtain. Using theoretical, historical, and analytical perspectives, the aim is to clarify the interplay between privacy practices and features of social organization. The data are culled from a wide range of sources (anthropological, architectural, fictional, historical, legal, medical, philosophical, political, psychological and sociological), that have not hitherto been brought together.

In the first of the theoretical chapters privacy is identified as 'when access between persons and contextual outsiders is intentionally and acceptably restricted'. This interactionist version - arising out of dissatisfactions with how existing formulations encapsulate the phenomenon and/or the world - seeks both to pinpoint the distinctiveness of privacy and to allow for the variability. Once geared to thinking of privacy as problematic, Chapter Two investigates the cultural availability of privacy. The notion of privacy as a by-product of modernity is rejected but recognition of privacy as a viable option is found to depend on a modicum of differentiation between people and between spheres of activity.



The historical section provides a case study of the incidence and concomitants of privacy in Britain. Chapter Three explores developments up to about 1700 when privacy was entering the social repertoire. Chapter Four details the expansion of opportunities for privacy, particularly domestically, during the eighteenth and nineteenth centuries. Chapter Five characterizes the nature of privacy concerns, in terms of their locus, strength, diffusion, association with societal changes, and twentieth century fortunes.

The analytical perspectives examine how different contextual particulars contribute to the patterning of privacy aspirations and outcomes. Chapter Six considers privacy as the prerogative or obligation of 'persons' and investigates the social distribution of privacy preferences and achievements. Chapter Seven discusses where boundaries between 'insiders' and 'outsiders' are normatively drawn, depending on the activity or information at issue and in accordance with the structural and affective properties of pertinent relationships. The final chapter assesses the impact of physical factors, before reviewing the study's conclusion about the social contingency of privacy and the usefulness of the proposed definition.

Indications of the quantity and quality of the available evidence are given throughout and an extensive bibliography gives a guide to the topic of privacy. The appendix lists over two hundred definitions of privacy.

## FOREWORD

This study has been a long while in the making, over a period when there has been a great upsurge of interest in and writings about privacy. Early worries about a lack of material, which together with an open-ended interest in the topic, had made me spread the investigative net very widely, were dispelled as people in different disciplines brought forward new information and discovered relevances in older writings. Every year more appears and publications prior to 1983 when this manuscript was formally submitted, are fully taken account of. The text and bibliography do not feature subsequent publications, such as Barrington Moore's recent monograph.

A striking feature of the literature however is the extent to which it is multi- rather than inter-disciplinary, with remarkably little cross-fertilization of ideas or integration of findings. Some overall appreciation of the state of knowledge and understanding will hopefully be gained from this thesis. The pinpointing of privacy as 'when access between persons and contextual outsiders is intentionally and acceptably restricted', orients discussions of whether, when, and how, which kinds of privacy between whom, have been and are likely to be activated.

During the course of this enquiry, which was begun under a Social Science Research Council postgraduate grant, I have

had cause to be grateful for many people's help. My thanks go out, in particular, to James Coleman for sparking off an interest in sociology, to Tom Burns for his patient supervision, and to Frank Bechhofer for critical encouragement in the completion stages. Michael Anderson was kind enough to read the historical section, while John Barnes and Charles Raab commented most helpfully on the whole text. I should also like to mention - though the acknowledgement can never be adequate - the sustained support of all kinds so generously given by family and friends, especially Alan.

CHAPTER ONE.

'Identifying Privacy'



This thesis treats privacy not as 'a problem' but as 'problematic' in that we appear unsure how to conceptualize and recognize privacy, vague about what makes privacy culturally available, ignorant about the course of that availability within our own society, and reluctant to be specific about the part which contextual factors play in determining whether and when privacy is likely to obtain. The theoretical, historical and analytical explorations undertaken are therefore essentially concerned to locate and account for the occurrence of privacy. In pursuing the interplay between privacy in thought and action and social perceptions and organization, the expectation is that some at least of the gaps in knowledge and understanding itemized above, can be filled.

Because privacy is so elusive, there is a real temptation to avoid confronting the difficulties and dangers of definition. Yet the arguments advanced to support the idea that definition is either unnecessary or impossible have I think to be rejected. As a consequence this opening chapter concentrates on the articulation of privacy. It aims to come up with a sociologically sound formulation which in the course of identifying what sets privacy apart from other phenomena, is able to both encompass and ground the variability displayed. I sought an interactionist version which would allow for situational refractions whilst honing in on the consistencies, namely what all instances of privacy have in /



in common. Not only does provision of a definition serve to clarify the focus of my study, but if the domain of privacy turns out to be satisfactorily encapsulated, it will assist in a terminological tightening of the precept. Although there already is a considerable array of suggestions as to how privacy can best be pinned down and several had their attractions, none proved entirely appropriate. There remained some trouble either with the way the phenomenon was portrayed and/or with the accompanying projection of the world. Since 'ready-made' did not suit 'do-it-yourself' was called for, resulting eventually in the contention that privacy is when access between persons and contextual outsiders is intentionally and acceptably restricted. This delineation both orientates and is commented upon by the investigations that follow. For while the definition shapes the discussion, the details that emerge as findings from evaluation of the evidence, will reveal how accurate and effective the chosen formula is.

Advice to "leave the words we use to take care of themselves" because "they will get their meaning from the context of our discussion",<sup>1</sup> seems quite misplaced as regards privacy. The notion is not "so commonplace and so obvious" that "it almost needs no specific definition".<sup>2</sup> Privacy's surface simplicity (necessarily ascribed in everyday life) and familiarity (bred of vigorous appeals to privacy often as if meaning were consensual), tend to obscure the divergent senses in which the /

the term is understood. There is in fact an "erratic range of common usages of a term such as 'privacy'",<sup>3</sup> and contrary to some assertions, a consequent "need to find the that-which-is-common ... to settle disputes about boundaries".<sup>4</sup> It is now simply not the case, unless strict formality is required of a definition, that "a survey of the literature having to do with privacy reveals a remarkable dearth of ... definitions".<sup>5</sup> On the contrary the listings of the Appendix illustrate just how in general "the same word, or the same concept in most cases, means very different things when used by differently situated persons",<sup>6</sup> and in particular "privacy means different things to different men".<sup>7</sup> Admittedly there are 'variations-on-a-theme' and some apparent differences are more stylistic than substantive or arise from emphasis on different aspects, at different levels of abstraction, for different purposes. But where interpretations of privacy are incompatible, choices have to be made; and since every usage summons up some equivalence however inchoate, the onus is on me to be terminologically unambiguous.

This determination does not discount "the difficulties which seem to beset any attempt to find a precise or logical formula which could either circumscribe the meaning of the word 'privacy' or define it exhaustively".<sup>8</sup> "Privacy is clearly a many splendored and complicated thing",<sup>9</sup> an "infinitely complex and variable phenomenon".<sup>10</sup> Numerous commentators testify to privacy being a "slippery concept /



concept",<sup>11</sup> "infected with pernicious ambiguities",<sup>12</sup> that is "exasperatingly vague and evanescent"<sup>13</sup> and has "eluded precise definition".<sup>14</sup> As has been rather caustically observed, "defining the word privacy is difficult. That is the only thing about which most students of privacy would agree".<sup>15</sup> Moreover there is always the danger of semantic entanglement and, since "defining privacy is an absorbing" as well as a "difficult task",<sup>16</sup> of being diverted from the topic proper. Alfred Cobban pertinently warns against what he sees as "the weakness of much social thought", that "it is so largely concerned with packing its bag (or even with working out a general theory about the way a bag should be packed) for a journey which is never taken".<sup>17</sup> Ian C. Jarvie believes "we should avoid discussing concepts altogether ... we would do better in sociology to get on with discussing the problems and theories that are our concern".<sup>18</sup> But in consideration of a subject which "so suffers from definitional ambiguity and vagueness",<sup>19</sup> the question is less whether definition should be tackled than whether there is any hope of success.

The Younger Committee felt bound to conclude "that the concept of privacy cannot be satisfactorily defined",<sup>20</sup> and Raymond Wacks is of the opinion that "the long search for a definition of 'privacy' has produced a continuing debate that is often sterile and ultimately futile".<sup>21</sup> The pessimism of Younger is somewhat unexpected and in terms /

terms of their own argument I think it is unwarranted. Younger fully recognizes that "it might seem a prerequisite of our task that we should have agreed what privacy is and be able to say what we mean by it".<sup>22</sup> The Committee however holds that the obstacles are unsurmountable on the grounds, firstly that "the notion of privacy has a substantial emotive content", and secondly that "the scope of privacy is governed to a considerable extent by the standards, fashions, and mores of the society of which we form part".<sup>23</sup> These attributes should certainly not be ignored when delineating privacy, but "to show that one is aware of the difficulties of a task is not to show that the task is impossible".<sup>24</sup> Moreover they are employed in a faulty argument because the Committee appear not to attend to the "significant distinction between defining privacy and a right to privacy".<sup>25</sup> Devising a form of words which will create an effective legal entitlement is not the same as describing the phenomenon itself. Privacy's shifting norms and evocation of strong feelings, to which Younger refers, certainly do not militate equally against both undertakings. They do not in themselves justify what amounts to the Committee's "strategy of capitulation".<sup>26</sup> If this argument against the feasibility of definition is unconvincing, what about the idea "that the unitary concept of privacy ought to be broken down",<sup>27</sup> because "a unitary definition ... is ... trivial or misleading"?<sup>28</sup> The questioning of "a privacy universe" is not confined to the /



the legalistic arguments, which are particularly rife in the United States, about the justification for and effectiveness of privacy as a judicial 'catch-all'. Doubts as to "whether privacy has a legitimating unity as a socio-psychological concept"<sup>30</sup> are more widely expressed.<sup>31</sup> While few take the extreme position of wanting "to begin with the assumption that the concept of privacy does not refer to any category of behavior",<sup>32</sup> suspicion exists that the rubric may lump together phenomena so disparate as to abort attempts to tease out shared constituents. What I bring forward to support the present pursuit of privacy's singularity are notions admittedly more intuitive than amenable to prior demonstration. "The use of the same word suggests that the same thing is at stake"<sup>33</sup> and "beneath all the various forms that man's understanding of privacy has taken, there are some common characteristics".<sup>34</sup> Of course "there is no single definition which fits all the data"<sup>35</sup> and it could be that even now, "given the state of knowledge about privacy ... attempting a unitary definition is premature".<sup>36</sup> But it does not seem reasonable to concede at the outset that efforts to come up with an acceptable formula are either redundant or doomed to failure.

If, as argued here, privacy is not self-explanatory, and pragmatically a definition needs fashioning,<sup>37</sup> why not simply select from among the great number already on /



on offer? Dissatisfaction with existing representations is obviously the reason for investing in what may well be regarded as the unnecessary addition of a definition or the presumptuous substitution of the definition.

There is however no implied claim that as the synthesis of a critique, my working definition will be free of the partiality and bias which colour any interpretation angled to specific purposes. The hope is simply that it will represent some advance on its predecessors and have some general usefulness, because it both pinpoints privacy and incorporates a sociologically faithful framing of the world.

A most obstinate problem, when endeavouring to grasp privacy is how to pitch a definition so as to admit all varieties and simultaneously specify their distinctive common-core properties. The search is on for an approach and form of words which combine an ample ambit with a sharp cutting edge. The tendency for privacy to be too narrowly or too broadly construed is apparent, for example, among writers intent on activating public concern about the 'problem' of privacy. Some resort to depicting privacy rather restrictedly by treating one facet, such as the transfer of information between individuals and organizations, as if it were privacy's only arena. Others are over expansive and make open-ended claims about privacy's scope, like "it encompasses all behaviour that sets the individual apart".<sup>38</sup>

A /

A definition cannot afford to be very elaborate if it is to gain currency. But synonyms<sup>39</sup> for all their attractive terseness assert too much and tell too little. Privacy must be a subset of 'aloneness',<sup>40</sup> 'non-accountability',<sup>41</sup> 'non-observability',<sup>42</sup> 'quietude',<sup>43</sup> 'seclusion',<sup>44</sup> 'separateness',<sup>45</sup> or 'unguarded activity',<sup>46</sup> yet there is no rule for knowing which kinds are to count. The main help in trying to detail the dimensions along which and the limits within which privacy can vary without becoming something else, was to switch from asking 'what is privacy' to locating the 'when' of privacy. Constance Fischer in her phenomenological study insists that "our description of privacy must take the form of: Privacy is, when: (such-and-such a matrix exists)".<sup>47</sup> Closing in on the matrix which gives rise to privacy is one of my principal concerns. The change of interrogative is supported by warnings about the dangers of essentialism, the "error of posing 'what is' questions"<sup>48</sup> which sound profound but do not deliver. Definition makers themselves appear uncomfortable with bald 'privacy is' pronouncements and prefer such phrases as 'entails', 'has to do with', 'implies', 'includes', 'involves', 'represents', 'refers to'. Most tellingly the shift to 'when' draws discussion away from the "status of the term" and puts the emphasis where it is primarily wanted, on the "characteristics of privacy".<sup>49</sup>

The /

The main terms in the suggestion that privacy is when access between persons and contextual outsiders is intentionally and acceptably restricted are singled out both in reaction to other interpretations and in order to signal key features. A brief gloss on the definition will hopefully display some of the reasoning behind my choice of words. The use of access to describe what is regulated when privacy obtains is meant to cover all types of contact and communication, direct and indirect, involving stimuli transmitted by any of the senses, to, from or about the target person. This comprehensiveness does not exist, for example, in dictionary definitions<sup>50</sup> which emphasize physical reclusiveness. What their stress on being apart from and undisturbed by others importantly reinforces however, is the view of privacy as when access is restricted. Attempts are sometimes made, especially by commentators who equate privacy with 'choice', to either extend or convert privacy from an exclusion to a sharing mechanism.<sup>51</sup> Whilst frequently providing ideal conditions for intimate exchange, privacy is always the outcome of reductions in access whereby some potential accessories are rendered non-participant. The actual blocking of interaction can be achieved alone or in company, by any practically and conventionally available means of disengagement whether physical or symbolic. Intentionally is inserted to project privacy as the consequence of action taken, to convey a purposive rather than a passive quality. Privacy is created and not simply

"a /



"a condition in which individuals may find themselves".<sup>52</sup>

The option and sometimes obligation to restrict access characteristically resides with those recognized as 'persons'. It affects relationships with other parties who accept their classification, on a temporary or more permanent basis, as 'contextual outsiders'. Privacy is volitional and discretionary, but its implementation is not the autonomous achievement suggested by representations of privacy as a matter of personal 'control'. Once attained privacy increases the amount of control exercisable. However instead of being simply a unilateral accomplishment, it requires the cooperation of confederates. Their acquiescence is a personally mediated validation of social legitimacy, based on perceptions that the who, what, when, where, how, why and wherefore particulars warrant the abridgement of access. Hence the stipulation that when privacy exists, access is acceptably restricted, a constraint which should be understood to operate at individual, normative and cultural levels.

Predicated upon the assumption that social life is opted out of not into, my specification makes reference to a world in which privacy is an exception rather than the rule. Privacy "in whatever form, presupposes the existence of others and the possibility of a relationship with them".<sup>53</sup> Privacy is not seen as the 'normal' state to which there are only "extraordinary exceptions in the interests of society".<sup>54</sup> There is clearly a very real sense /

sense in which human beings are cut off from one another so that there is a "separateness by which mutual ignorance obtains".<sup>55</sup> This "restriction of the knowledge of the one about the other", Simmel reminds us, is an "elementary social fact"<sup>56</sup> and "we simply cannot imagine any interaction or social relation or society which are not based on this teleologically determined nonknowledge of one another".<sup>57</sup> Practical limits on the interaction of members and on what they know about each other exist in all social groupings;<sup>58</sup> and it would seem that the unique endowment of each physically distinct entity renders his or her biographically filtered experience partially inaccessible and incommunicable.<sup>59</sup> Yet human beings are born into and created by society and this connectedness with others suffuses our lives. What you have is "the unique and double creature: man the social solitary"<sup>60</sup> and the account of privacy should take cognizance of the "unsocial sociability of man".<sup>61</sup> Privacy is part of the paradox whereby "an individual may be set apart from but at the same time related to other people in his society and world".<sup>62</sup> The disengagements of privacy assume pre-existing community, carry no threat of severance and allow for ready reincorporation since affiliation continues on. In Shils' words, "we speak of privacy only when there is a feasible alternative to privacy, namely, where actions or words can be either withheld or disclosed, where a space can be inviolate or intruded upon, where a /



a situation can be disregarded or observed".<sup>63</sup> Thus, "to refer, for instance, to the privacy of a lonely man on a desert island would be to engage in irony".<sup>64</sup> There must be associated others around from the power of whose knowledge and influence partial release is cooperatively sought. Privacy is obtained "by the knowing cooperation of a man's neighbors, by the deliberate restriction of social action and social concern".<sup>65</sup> A recipient upon whom privacy may be either conferred or incumbent,<sup>66</sup> is dependent upon a grantor whose forbearance permits privacy.<sup>67</sup> The formulation arrived at is very much in sympathy with Barry Schwartz's description of privacy as "a dissociation ritual" that "presupposes (and sustains) the social relation".<sup>68</sup>

This is an unabashedly sociological portrayal of privacy; the insistence on privacy having to do with being incommunicado and out of touch while at the same time reinforcing interpersonal involvement by its socially sanctioned character and facilitation of other interchanges. It is a deliberate antidote to the tendency for privacy to "ordinarily connote(s) meanings that are more psychological than sociological".<sup>69</sup> Though rejecting the overstatement and any thoughts of disciplines appropriating concepts, there is a welcome thrust to Arnold Simmel's contention that "privacy which seems to have to do with the individual by himself, is not a psychological concept at all, but a sociological one" /

one".<sup>70</sup> One benefit of looking at privacy along the lines suggested is to take the heat out of the long-running and see-sawing arguments over what pertains to the individual and what to society, with which much of the privacy debate is riddled. Rather than asking "in which ways are we individuals and in which ways social beings?", the more productive question proposed by Alan Dawe is "How do we communally provide for which versions of individuality?"<sup>71</sup> This sociological commitment has a further effect of neutralizing the definition, so that it is unaligned on the moral question of whether privacy should be condemned as "the source of fear and violence",<sup>72</sup> or celebrated as "that most civilized of luxuries".<sup>73</sup> The concentration on locating privacy hopefully provides a means of harnessing a consistent yet variable phenomenon, that is culturally stabilized within conventional tolerances but flexibly exploited in circumstances situationally defined by participants. It is used in this study to explore the foundations, historical development and contemporary patterning of privacy, trying to link up the precept's contextual contingency with details of how people perceive and organize their world.



1. Ian C. Jarvie, Concepts and Society, 1972, p. 101-102.
2. Thomas H. O'Connor, "The Right to Privacy in Historical Perspective", Massachusetts Law Quarterly, 53, June 1968, 101-115, p. 101.
3. Hyman Gross, Privacy: Its Legal Protection, 1976, p. xiii. See also Charles P. Lickson, "Privacy and the Computer Age", IEEE Spectrum, 5, October 1968, 58-63, p. 58.
4. Judith Jarvis Thomson, "The Right to Privacy", Philosophy and Public Affairs, 4, Summer 1975, 295-314, p. 313.
5. "A survey of the literature having to do with privacy reveals a remarkable dearth of formal definitions", Eleanor A. Schuster, "Privacy and the Hospitalization Experience", unpubl. D.N.S. Thesis, University of California San Francisco, 1972, p. 18.
6. Karl Mannheim, Ideology and Utopia (London: Kegan Paul, Trench, Trubner & Co.), 1936, p. 245.
7. John B. Young, "Introduction: A Look at Privacy", in Privacy, 1978, 1-10, p. 4.
8. Justice Committee on Privacy, Privacy and the Law, 1970, p. 5, para. 18, and quoted by Kenneth Younger, Report of the Committee on Privacy, Cmnd. 5012, July 1972, p. 17, para. 57.
9. Harriet F. Pilpel, "The Challenge of Privacy", in The Price of Liberty, ed. Alan Reitman, 1968, 19-44, p. 44.
10. "The concept of privacy is an infinitely complex and variable phenomenon and embraces a number of aspects", Harry N. Brandeis, "The Psychology of Scatalogical Privacy", Journal of Biological Psychology, 14, pt. 2, 1073, 30-35, p. 34.
11. "Privacy is a slippery concept and little agreement on its precise parameters has been reached", John F. Murphy, "An International Convention on Invasion of Privacy", New York University Journal of International Law and Politics, 8, Winter 1976, 387-433, p. 393.
12. "The concept of privacy is infected with pernicious ambiguities", Hyman Gross, "The Concept of Privacy", New York University Law Review, 42, March 1967, 34-54, p. 35.
13. Arthur R. Miller, The Assault on Privacy, 1971, p. 25.



14. "Privacy seems to have eluded precise definition", John M. Carroll, Confidential Information Sources: Public and Private, 1975, p. 277. See also, Norman Lindop, Report of the Committee on Data Protection, Cmnd. 7341, December 1978, p. 9, para. 2.01, "the concept of privacy...has proved difficult to define and elusive to pin down".
15. Steven E. Aufrecht, "A Critical Examination of the Concept of Privacy and its Implications", unpubl. Ph.D Thesis University of Southern California, 1977, p. 7.
16. "Defining privacy is an absorbing and difficult task", David H. Flaherty, "Introduction" to section on Privacy, in Philosophical Law, ed. Richard Brunaugh, 1978, 141-147, p. 144.
17. Alfred Cobban, The Social Interpretation of the French Revolution (Cambridge: Cambridge University Press), 1964, p. 23.
18. Ian C. Jarvie, Concepts and Society, 1972, p. 101.
19. "Privacy like many abstract conceptions in common speech suffers from definitional ambiguity and vagueness", Stephen T. Margulis, "Conceptions of Privacy: Current Status and New Steps", Journal of Social Issues, 33, Summer 1977, 5-21, p. 7.
20. Kenneth Younger, Report of the Committee on Privacy, Cmnd. 5012, July 1972, p. 17, para. 58.
21. Raymond Wacks, The Protection of Privacy, 1980, p. 10.
22. Kenneth Younger, Report of the Committee on Privacy, Cmnd. 5012, July 1972, p. 17, para. 57.
23. Ibid. The Younger Report is quoting from Justice, Privacy and the Law, 1970, p. 5, para. 18, whose conclusions it claims to endorse. In fact Justice, though very wary, did go on in the next paragraph of their report to explain their usage of the term.
24. Lubor C. Velecky, "The Concept of Privacy", in Privacy, ed. John B. Young, 1978, 13-34, p. 18.
25. D. Neil MacCormick, "Privacy: A Problem of Definition", British Journal of Law and Society, 1, Summer 1974, 75-78, p. 75. He concludes that "the evidence offered by the Committee for the difficulties of defining the concept of privacy is not very compelling".

26. Lubor C. Velecky, "The Concept of Privacy" in Privacy, ed. John B. Young, 1978, 13-34, p. 18. Some writers turn the problem around by relating feasibility to the kind of definition sought. Colin Mellors, for example, distinguishes between 'whole concept' and 'precise conception' and argues that the latter "cannot be discovered because it reflects the ideas of a particular society at a given time". See "Governments and the Individual - Their Secrecy and His Privacy", in Privacy, ed. John B. Young, 1978, 87-112, p. 91. I will be aiming for his 'whole concept'.
27. Louis Lusky, "Invasion of Privacy: A Clarification of Concepts", Columbia Law Review, 72, April 1972, 693-710, p. 708.
28. "It is sometimes thought that a unitary definition of privacy is impossible, trivial or misleading", Roland Garrett, "The Nature of Privacy", Philosophy Today, 18, Winter 1974, 263-284, p. 282.
29. Louis Lusky, "Invasion of Privacy: A Clarification of Concepts", Columbia Law Review, 72, April 1972, 693-710, p. 696.
30. Paul A. Freund, "Privacy: One Concept or Many", in Privacy, eds. J. Roland Pennock and John W. Chapman, 1971, 182-198, p. 194.
31. See for example, Roger Ingham, "Privacy and Psychology", in Privacy, ed. John B. Young, 1978, 35-57, p. 39, "It is readily apparent that there is no unitary concept of privacy".
32. Henry P. Lundsgaarde, "Privacy: An Anthropological Perspective on the Right to be Let Alone", Houston Law Review, 8, May 1971, 858-875, p. 870.
33. Richard B. Parker, "A Definition of Privacy", Rutgers Law Review, 27, Summer 1974, 275-296, p. 278.
34. Maurice Cranston, "The Right to Privacy, 2: As a Human Right", The Listener, July 11, 1974, 44-45, Roland Garrett, "The Nature of Privacy", Philosophy Today, 18, Winter 1974, 263-284, p. 282, remarks that "if a unitary definition...is indeed possible, it does not force the varied phenomena into a single pattern but rather shows that they are already in that pattern in that they possess some common traits".
35. Richard B. Parker, "A Definition of Privacy", Rutgers Law Review, 27, Summer 1974, 275-296, p. 277-78.



36. This was the view taken in 1974, after measured consideration, by Maxine Wolfe and Robert S. Laufer, "The Concept of Privacy in Childhood and Adolescence", in Man-Environment Interactions, ed. Daniel H. Carson, 1974, pt. II, 25-54, p. 32.
37. As Herbert Blumer points out in "The Problem of Concept in Social Psychology", American Journal of Sociology, 45, March 1940, 707-719, p. 713-14, "The vagueness of a concept is equivalent to a difficulty in observing clearly the thing to which the concept is presumed to refer".
38. "Privacy is a personal matter. It encompasses all behaviour that sets the individual apart", David Canter and Cheryl Kenny, "The Spatial Environment", in Environmental Interactions, ed. Daniel H. Carson, 1974, pt. II, 55-72, p. 59.
39. Robert E. Smith, Privacy, How to Protect What's Left of It, 1979, p. 323-325, lists the terms with which, mistakenly, "privacy is often thought to be synonymous ...confidentiality, anonymity, concealment, isolation, shame, solitude, secrecy, freedom, intimacy, separation".
40. "The sense of privacy - of separateness or aloneness", Willard Hurst, "Law and the Limits of Individuality", in Social Control in a Free Society, ed. Robert E. Spiller, 1960, 97-136, p. 128.
41. "Zone of personal privacy: the area of individual non-accountability", Louis Lusky, "Invasion of Privacy: A Clarification of Concepts", Columbia Law Review, 72, April 1972, 693-710, p. 707.
42. "Non-observability or privacy allows for a certain degree of flexibility", Felix M. Berardo, "Marital Invisibility and Family Privacy", in Man-Environment Interactions, ed. Daniel H. Carson, 1974, pt. II, 55-72, p. 59.
43. "Privacy...the individual's inalienable right to quietude", Ashley Montagu, "The Annihilation of Privacy", Saturday Review, March 31, 1958, 9-11 and 32, p. 11.
44. "A right of seclusion or privacy", James K. Weeks, "Comparative Law of Privacy", Cleveland-Marshall Law Review, 12, September 1963, 484-503, p. 485.
45. See footnote 40.
46. "Privacy or unguarded activity", Stanley P. Wagner, "Records and the Invasion of Privacy", Congressional Record, May 18, 1965, 10821-10823, p. 10823.



47. Constance T. Fischer, "Toward the Structure of Privacy: Implications for Psychological Assessment", Duquesne Studies in Phenomenological Psychology, 1, 1971, 149-163, p. 149.
48. Ian C. Jarvie, Concepts and Society, 1972, p. 154-5.
49. Ruth E. Gavison, "Privacy and the Limits of Law", Yale Law Journal, 89, January 1980, 421-471, p. 424. As Stephen T. Margulis says in "Conceptions of Privacy: Current Status and Next Steps", Journal of Social Issues, 33, Summer 1977, 5-21, p. 17, "theorists do not agree on what privacy is or on whether privacy is a behavior, attitude, process, goal, phenomenal state or what".
50. The dictionary is an obvious first resort, unless you take seriously Velecky's opinion that "a person who does not regard the structure of a concept as self-evidently intelligible and therefore turns to a dictionary should be compared to him who plunges into water so as to avoid getting wet in the rain". See Lubor C. Velecky, "The Concept of Privacy", in Privacy, ed. John B. Young, 1976, 13-34, p. 17.
51. An example of the confusing effect is Altman's putting forward "the idea of privacy as a dialectic process" on the strength of the fact that "social interaction is a continuing interplay of dialectic between forces driving people to come together and to move apart". Irwin Altman, The Environment and Social Behavior, 1975, p. 23.
52. Privacy is a condition in which individuals may find themselves as well as create", David M. O'Brien, Privacy, Law and Public Policy, 1979, p. 16.
53. Robert S. Laufer and Maxine Wolfe, "Privacy as a Concept and a Social Issue", Journal of Social Issues, 33, Summer 1977, 22-42, p. 32.
54. Alan F. Westin, Privacy and Freedom, 1967, p. 42.
55. Edward A. Shils, "Privacy: Its Constitution and Vicissitudes", Law and Contemporary Problems, 31 Spring 1968, 281-306, p. 281.
56. Georg Simmel, The Sociology of Georg Simmel, trans. and ed. Kurt H. Wolff, 1964, p. 316.
57. Ibid., p. 312.
58. "It is simply not possible for everyone always to know everything about everything and everybody", Paul Sieghart, "Computers, Information, Privacy and the Law", Journal of the Royal Society of Arts, 125, July 1977, 456-467, p. 457.



59. This is behind Sidney M. Jourard's remark that "we are condemned to privacy", in "Privacy: The Psychological Need", New Society, May 25, 1967, 757-758, p. 757.
60. Jacob Bronowski, The Identity of Man, 1966, p. 106.
61. Immanuel Kant, Principles of Politics, ed. and trans. W. Hastie (Edinburgh: T. & T. Clark), 1891, p. 10.
62. Derek H. Willard, "Privacy as Communication: A Conceptual Approach for Law and Social Science", unpubl. Ph.D. Thesis University of Iowa, 1975, p. 37. See also p. 293, "privacy by its very nature presupposes the existence of some on-going social relationship and activity".
63. Edward A. Shils, "Privacy: Its Constitution and Vicissitudes", Law and Contemporary Problems, 31, Spring 1966, 281-306, p. 281. John P. Sisk, "In Praise of Privacy", Harper's Magazine, 250, February 1975, 100-107, p. 107, makes a similar point when he says that "privacy assumes the existence of other options not taken up and against which it defines itself".
64. Charles Fried, "Privacy: A Rational Context", in An Anatomy of Values, 1970, 137-152, p. 140.
65. H. Mark Roelofs, The Tension of Citizenship: Private Men and Public Duty, 1957, p. 22.
66. Eleanor A. Schuster, "Privacy, the Patient and Hospitalization", Social Science and Medicine, 10, May 1976, 245-249, p. 245, reminds us that "privacy frequently incorporates a connotation of propriety". Privacy is not only sought as a rightful claim but is sometimes a response to 'ought' and then "has to be seen as a duty", Maurice Cranston, "The Right to Privacy I: As a Legal and Social Right", The Listener, July 4, 1974, 11-13, p. 12. "Privacy is often experienced as more deprivational than indulgent", Harold D. Lasswell, "The Threat to Privacy", in Conflict of Loyalties, ed. Robert N. MacIver, 1952, 121-140, p. 132.
67. As Constance Fischer puts it ("Toward the Structure of Privacy: Implications for Psychological Assessment", Duquesne Studies in Phenomenological Psychology, 1, 1971, 149-163, p. 157), "Privacy is in the hands of the intruder". This is because "privacy depends on others 'to keep their distance'", Arnold Simmel, The Functions of Privacy, October 1963, p. 15.

68. Barry Schwartz, "The Social Psychology of Privacy", American Journal of Sociology, 73, May 1968, 741-752, p. 742.
69. "Privacy ordinarily connotes meanings that are more psychological than sociological", Alan Bates, "Privacy - A Useful Concept?", Social Forces, 42, May 1964, 429-434, p. 429.
70. Arnold Simmel, The Function of Privacy, October 1963, p. 18.
71. Alan Dawe, "Theories of Social Action", in A History of Sociological Analysis, eds. Tom Bottomore and Robert Nisbet, 1979, 362-417, p. 410.
72. Edmund Leach, A Runaway World?, The 1967 Reith Lectures, 1968, p. 46.
73. Phyllis McGinley, "A Lost Privilege", in The Province of the Heart, 1959, 53-59, p. 55.



## CHAPTER TWO

'Investigating the Cultural Availability of Privacy'

The fact that the term is variously interpreted partly reflects privacy's practical variability, and the general concern of the thesis is to relate differences in privacy's standing, availability, realization, and impact, to differences in social perceptions, organization, environments, and relationships. This chapter concentrates on linkages between the establishment of privacy as a viable option and the attributes of particular social set-ups. In seeking out the concomitants of privacy and assessing the value of theories about which factors allow for privacy coming 'into play' at all, it is preliminary to and more abstract than the rest of the study. There are two senses in which privacy may not be thinkable and workable that need to be distinguished from the outset. The failure of commentators to do so is a source of confusion and reduces the likelihood of appreciating the nature of interactions between features of social life and the possibility of privacy. Lack of privacy in society may be attributable either to ignorance or to rejection of the option. In the first case the way people are viewed and the circumstances in which their lives are conducted do not give rise to the precept of privacy. In the second case privacy is conceivable and potentially part of the behavioural repertoire. But because of prevailing ideas about what it is to be a human being, privacy is negatively evaluated and social arrangements discourage its practice. Giving a satisfactory account of why privacy is unprovided for in these situations, and /

and what makes privacy available elsewhere requires explanations that are appropriately targeted as well as empirically convincing.

I will preface this sociologically-minded search for privacy's cultural supports by describing the connections that have been advanced and the evidence that is available. The proposed associations are a mixed bunch in terms of what they claim to elucidate and how they set about the task, but on the whole, and with some notable exceptions, contributions are rather poorly developed and documented. Only a handful of writers have a primary interest in privacy's entry into human affairs and most observations are made in passing en route to other destinations. Maybe because there is such an assorted array and so few systematic presentations, proposals have accumulated and been uncritically circulated through secondary citation. If reducible to a few explanatory thrusts the many ideas about privacy's provenance can be subjected to more rigorous examination. There seem to be two main sets of ideas with subdivisions in the second. One theme is that 'modernization' has everything to do with privacy. The other, put forward both complementarily and independently, is that either 'individuality' or the 'public/private dichotomy' must be brought into the reckoning. Obviously the categories are not discrete and the overlap between them means that sometimes they are offering refinements rather than alternative explanations. But /



But they do represent, as long as compression does not entail too much simplification, the principal suggestions which have been made about what goes on.

These theoretical variants are often projected without any indication that the data base is less than satisfactory. In fact it might be likened to an intriguing but somewhat haphazard slide collection with the subject glimpsed at different times, from different angles and in different lights but rarely intensively or extensively exposed. Privacy has a hotchpotch literature, culled from all sorts of direct, indirect, and incidental sources, mostly outside the sociological field. As a consequence of the recent upsurge and diffusion of interest<sup>1</sup> (reflected in international declarations,<sup>2</sup> government inquiries,<sup>3</sup> academic conferences, monographs and serials,<sup>4</sup> as well as in the mass-media,<sup>5</sup> consumer<sup>6</sup> and pressure group,<sup>7</sup> publications, magazines,<sup>8</sup> a novel<sup>9</sup> and even a simulation game),<sup>10</sup> the sheer volume of writing is no longer the problem it once was. A glance through the dates in my bibliography quickly shows that the majority of items have appeared within the last fifteen to twenty years.<sup>11</sup> There is no reason to suspect a chronological bias and a head-count of books and articles specifically devoted to privacy confirms a distinctly skewed distribution.<sup>12</sup> Despite this burgeoning output, the coverage is uneven. Only now is 'missing' data beginning to come in and much has still to arrive. The overriding concern with the 'problem' of privacy, generated by technological /

technological innovation serving new institutional purposes, has become more pressing with the growth in information technology and especially computer applications. But it is essentially a rekindling of turn-of-the-century legal and establishment worries about the telephonic, photographic, and press expansions of communications. Thus the bibliographical weakness is a function of the form that interest in the topic has traditionally taken, as well as of the more obvious fact that privacy is "a concept with a long past but a short history".<sup>13</sup> One noticeable shortfall is information about privacy's status in concrete social groupings, which is typically reported in order to illustrate a given line of argument. It is not that I employ any improved procedure in determining which contexts are productive or unproductive of privacy and how the explanations offered measure up. But I want to point out that the back-up material is often flimsy and uncomprehensive. To the extent that deficiencies in the stock of knowledge about privacy cannot be remedied, one has to rest content, with rather generalized linkages; settling on circumstances more or less conducive to privacy and establishing plausible connections, instead of coming up with a tight causal nexus of independent and dependent variables. Nonetheless much is to be gained by consolidating and re-working information already to hand, to decide which explanatory strands are most used in finding common denominators for privacy.

This /

This attempt can, of course, only get off the ground if the meaning of privacy is suitably construed. Certain usages preclude the perception of privacy as problematic. For instance, the interpretation of privacy as an inescapable and insurmountable particularity<sup>14</sup> with which (depending on one's viewpoint) human beings are either blessed or burdened, is committed to the idea of privacy as universal. This is an awkward construction of reality on both internal and external counts. In the first place, the dimensions of the separateness are simply not verifiable. A disposition to believe in its actuality cannot disguise the human predicament of being unable to divine our innate selves. It is interesting to note that in fictional portrayals of societies very hostile to privacy, the extreme is not taken to the absolute. Orwell allows for a chink of inner being which 1984's chilling monitoring systems fail to penetrate. "Big Brother ... - everywhere. Always the eyes watching you and the voice enveloping you. Asleep or awake, working or eating, indoors or out of doors, in the bath or in bed - no escape. Nothing was your own except the few cubic centimetres inside your skull".<sup>15</sup> In Zamiatin's We, where "consciousness of oneself is sickness",<sup>16</sup> there is a surprising measure of institutionalized provision. "Twice a day, from 16 to 17 o'clock and from 21 to 22, our powerful united organism dissolves into separable cells; these are the /



the personal hours designated by the Tables. During these hours you could see the curtains discreetly drawn in the rooms of some; others march slowly over the pavement of the main avenue or sit at their desks as I sit now".<sup>17</sup>

Although uncertainty as to whether these slender survivals should be regarded as a sop to the reader or an intended token of privacy's ineradicability detracts from their instructiveness, the examples are perhaps suggestive. Be this as it may, arguments batted back and forth (however much we tussle and despite all best endeavours) are bound to be inconclusive. Whether debate takes the form of controversy about 'private language' or 'basic needs', no empirical means exist for resolving the stand-off between opposing sides.<sup>18</sup> It appears more fruitful and in keeping with the phenomenon's relativistic profile, to focus on a socially conditioned type of privacy. The lack of cultural contingency is thus the second and more pragmatic reason for not identifying privacy with this indeterminate and inert feature of existence. Privacy is therefore envisaged as a cultural artefact, nested within and responsive to organizationally expressed power and belief structures, that overlays as unanticipated consequence or consciously elaborates upon humankind's 'natural' state. Accordingly, privacy is defined, in a fashion more amenable to investigation, as 'when access between persons and contextual outsiders is intentionally and acceptably restricted'.

Armed /

Armed with a definition geared to thinking of privacy as a problematic category of experience, and having outlined the theoretical stances and informational shortcomings, the time has come to make a proper start. The contention that privacy is the prerogative of modernized societies has been around for a long while, sustained in part no doubt by its commonsense appeal. "Privacy sounds like a fastidious value and it is. Until you have food in your belly and a roof over your head, privacy is not something which worries you a great deal".<sup>19</sup> Only the language has changed since E.L. Godkin proclaimed, in a pioneering article that just predates the famous Warren and Brandeis legal exposition, "Privacy is a distinctly modern product, one of the luxuries of civilization, which is not only unsought for but unknown in primitive or barbarous societies".<sup>20</sup> It is an opinion repeated and echoed by proponents and opponents of privacy alike. "In the communities of yesterday, the tribe, the village, the small town, privacy was unknown".<sup>21</sup> "Those who live in stable pre-industrial communities have far less privacy and far less desire for it than we do".<sup>22</sup> To be fair the less dogmatic are speaking relatively and not completely excluding privacy. But their "little privacy ... and... little if any demand for it"<sup>23</sup> do not give much latitude. Others cover themselves by explicitly stating that they are talking about "privacy in its modern sense",<sup>24</sup> or turn out to be less concerned with privacy's feasibility than with scope for /



for the exercise of privacy, its emergence as a value, its growth as an issue, or its protection as a right. There are even a few outright dissenters. Willard in particular, wary of "easy divisions between historical periods", protests that privacy "is not a new concept invented by alarmists in the twentieth century, by the romantics of the late eighteenth and early nineteenth centuries, nor did it come about by itself as a consequence of the industrial revolution or the rise of the middle classes or the decline of feudalism".<sup>25</sup> However, there are numerous occasions on which the Industrial Revolution, the Renaissance, secularization, capitalism, the emergence of the bourgeoisie, urbanization, or other modernizing changes<sup>26</sup> are projected as the great temporal and spatial divide.

How tenable is this position in the light of what is known about privacy's distribution? Reservations about its quality notwithstanding, the evidence clearly suggests that privacy's habitats are not exclusively modern. The doubts begin to creep in almost as soon as you look back or look around to confirm unmindfulness of privacy among the undeveloped. The historical picture is clouded by specialist disagreements, which when they run deeper than classificatory quibbles over the kind of society or the signs of privacy, leave you very dependent on the judgments of others. A case in point is privacy's status in colonial America. David Flaherty maintains in Privacy in Colonial New England, that "privacy can surely be identified in a general /



general sense as one of the cultural goals".<sup>27</sup> This is strongly contested by Richard Grossweiler in his thesis subtitled the "misuse of history".<sup>28</sup> The confrontation is surprisingly self-contained, not referring much to other historians whose works, though without the same particular interest, do take note of privacy and on balance probably lend support to the 'privacy lacking' side.<sup>29</sup> A more judicious assessment could conceivably result from grappling with the original sources. But where there are none to return to or no one has dug them out, you have to do without. Relevant ethnographic data is in decidedly short supply and will only be augmented slowly. Since privacy is not anticipated in traditional societies, there is little reason to expect direct research on a supposedly non-functioning process. An exception is Ann Fischer's work in the late 1940's on the Melanesian Trukese, which reinforced the original assumption.<sup>30</sup> Hints that privacy transcends the modernity divide might have been taken from mentions of "suspicion" of privacy among Samoans<sup>31</sup> or "intolerable" privacy among the Tikopia,<sup>32</sup> since objections to the totally unfamiliar are unlikely. However the challenge has only really materialized with the recent studies of privacy's role in the life of the Tuareg ("The veil, though providing neither isolation nor anonymity, bestows ... the idiom of privacy upon its wearer")<sup>33</sup> and the Mehinaku ("Ingenuously, the Mehinaku have found methods of restricting information about themselves, in spite of their highly public and exposed setting /

setting").<sup>34</sup> Interestingly, their demonstration of privacy's versatility has registered more than their disconfirmation of a stereotype.

There is an apparent reluctance to overturn the consensual perception despite the holes that have been picked in the idea of 'modernization' itself, which is now somewhat suspect. The authors of the lone cross-cultural survey of privacy's correlates are the only ones bold enough to suggest that privacy runs the gamut. Roberts and Gregor group their sample of forty-two societies into five categories and though over a half are placed at the predictable end of the spectrum, nearly a quarter are rated as high or very high.<sup>35</sup> The obvious tactic is to see how well the ratings check out but unfortunately this is easier said than done. Ascertaining privacy levels is tricky anyway because 'amounts' of privacy are notional sums of the essentially unquantifiable. As for the particulars, neither their source, the Sample of Human Relations File, nor my efforts to track down corroborative material have been much use. The File does not contain anything specifically about privacy so indirect measures had to be taken. The coding was done, by their own account, "on an impressionistic basis".<sup>36</sup> I have come across additional data for only two cultures in the original sample, with one tallying better than the other. 'Low' seems an appropriate designation for the Trukese, "A wish to be alone is unthinkable ... In Truk, aloneness occurs rarely, perhaps only in dreams.

For /



For every venture a companion must be found ...If a Trukese awakens in the night he wakens up a relative or friend".<sup>37</sup> The Tikopia however are rated 'intermediate' which does not match up with Dorothy Lee's account. The Tikopia have a "social definition of the self" and "find it good to sleep side by side crowding each other, mixing sexes and generations".<sup>38</sup> There was a complete failure to find anything about cultures in the higher privacy brackets. Moreover, it would be unwise to extrapolate from the proportions of the distribution (Very High 7, High 3, Intermediate 8, Low 12, Very Low 12; N=42), because the selection of societies is presumably (since nothing is said about representativeness) dictated by the availability of information and not a true sample. This is one drawback and the questionable accuracy of the individual ratings is another. But, disregarding the precise details for the moment, the immediate and important point is that several of a number of societies examined do make provision for privacy. The privacy may be quite rudimentary but the significance lies in its existence. Privacy looks like being possible in societies at different stages of development, not least because of its adaptability.

Further examples of privacy's empirical range help to discredit the belief that privacy is always alien in societies untouched by 'modernization', or whichever ingredients of the process are identified as crucial. They also indirectly suggest that its availability in unfamiliar settings may be overlooked /



overlooked because of the way contemporary experiences influence thinking about the subject, whether pro or anti. There is inbuilt resistance to freeing any concept from the constraints of our ethnocentric imaginations. In the case of privacy, the impetus and expanded scope which, initially at any rate, modernization seems to effect, have struck commentators so forcefully as to blinker them to its appearance elsewhere or to concentrate their energies on the full-blown variety. The "smallness of the groups involved and the confinement in relatively tight spatial areas" make it easy to assume that these characteristics of many traditional societies render "the achievement of privacy almost impossible".<sup>39</sup> This is especially so when observers are envisaging privacy as they know it. Yet there are instances of privacy operating in just such unpromising situations. The Yagua are a North-East Peruvian tribe living in the lowlands of the Amazon basin in twenty-five to fifty member clans. "Although an entire Yagua community lives and sleeps in one large house devoid of partitions or screens, its members, nevertheless, are able to obtain perfect privacy whenever they wish it simply by turning their faces toward the wall of the house. Whenever a man, woman or child faces the wall the others regard that individual as if he were no longer present. No one in the house will look upon, or observe, one who is in private facing the wall, no matter how urgently he may wish to talk".<sup>40</sup> This unorthodox manipulation of the environment is on inspection only an extension /

extension of our routine gestural conventions and is not apparently out of the ordinary. Among the Dakotas, "one man would not address another whose back was turned because, how can he know that the man is ready and willing to be addressed unless he can look at him, and observe the expression of his face? Unless he senses consent?".<sup>44</sup> This kind of evidence that modernity cannot be a precondition because privacy is also found in non-modern settings, may also pass unnoticed because the analyst is actually interested in 'sufficient' rather than 'necessary' conditions. I hesitate to introduce this terminology when the documentation is so sparse, and prevents discussion being as exacting as the terms imply and require. But it points up so well an important and neglected distinction. Modernization, I would claim, is a sufficient not a necessary condition for privacy.

This assertion cannot be properly interpreted or justified without calling for their contributions on other formulations of what marks out societies in which privacy features, namely, 'individuality' and the 'public/private dichotomy'. These two strands were hard to label satisfactorily because the opinions embraced are both variable in themselves and inconsistently expressed. 'Modernity', whatever its other defects, was comparatively self-selecting and self-explanatory, besides setting up the argument on the terms in which it was originally couched. With these other theoretical /



theoretical groupings there are more varieties to collect together and an unstable terminology makes it unclear what importance attaches to shifting nuances of meaning. Arthur Lovejoy's description of 'individualism' as a "pregnant source of confusion and false generalization"<sup>42</sup> applies also to 'individuality' and 'individuation', albeit less forcefully. It still holds uncomfortably true, despite or perhaps because of the interim growth in the pertinent literature. A similar potential for misunderstanding bedevils the descriptive pairings used, with differing emphases and concreteness, to name the dichotomy. Vocabulary choices are more or less deliberate and discriminating depending on the inferences anticipated and the causes served. The headings given here are simply pointers to a theoretical thrust's substance and there is a certain arbitrariness in their selection. 'Individuation' and 'individualism' will sometimes be invoked as verbal levers, but individuality is chosen because it seems to fall somewhere between what the former denotes and the latter connotes. Associations are usually driving at more than the perception of people as individual entities and touching on the ethos of promoting the individual's interests. The 'public/private dichotomy', the phrase others opt for most frequently, is preferred mainly for its ability to refer equally effectively to personality and social structures. The impact of 'individuality' and the 'public/private dichotomy' on the incidence of privacy will be treated in several /



several stages, involving both the assessment of links already forged and the advancement of my own version.

The first consideration is the conjunction of individuality and/or the dichotomy with modernity. The modernity proviso can be an impression given off by "the fact that most commentators assume that privacy is a distinctly modern notion",<sup>43</sup> or a more specific claim that without the individuality and/or the dichotomy which are peculiar to modern societies, privacy is a non-starter. Whether parallel proposals or fused, "the implications that individuality and privacy are only experienced in societies having undergone modernization"<sup>44</sup> and the contention that the "split in consciousness between private and public spheres" is "endemic to modernization"<sup>45</sup> and essential to privacy, are locked into the same argument. "Individualism and privacy are thus possible only in a pluralistic society"<sup>46</sup> and "a fundamental aspect of this pluralization is the dichotomy of private and public spheres".<sup>47</sup> The whole tenor of contemporary political debate leaves little doubt that, whatever the ideological and practical judgments made, modern societies are familiar with the idea of human beings as individuals and the division of human affairs into public and private sectors. This could explain why privacy is always known about in modern societies. Nor does there seem to be much dispute that this situation contrasts quite starkly with what has gone on before or prevails elsewhere in more 'primitive', 'traditional' or otherwise 'undeveloped' societies. /

societies. But what is debatable are the conclusions so often drawn, using modernity as the great divide, about the relationship which individuality and the dichotomy bear to the when and how of privacy. If modernity is taken as an intervening variable and the model's developmental by-product approach to privacy accepted, a simple and automatic correspondence between the three phenomena is presumed. Yet patently, not all modern societies approve of and, arguably, not all unmodern societies are unaware of, individuality and the dichotomy. Nor for that matter are privacy's environments so predictable or restricted. The interplay between them looks like being no less real but more complex than often assumed. The whole issue needs opening up and exploring with greater than customary precision about the nature of the pressures and the points at which they are exerted. This is done by recasting privacy as predominantly rather than exclusively modern, thus relinquishing modernity and its ostensible accompaniments as precipitants of privacy.

The question of individuality's and the dichotomy's existence outside modern settings is obscured somewhat by problems over definition and evidence. Usages which imply modernity, as can happen particularly with 'individualism', make querying the stipulation a redundant exercise, and history's 'dark ages' have their anthropological counterparts. Nevertheless, provided fairly simple forms are sought, (i.e. 'individuation' not 'individualism' and an institutionally unsophisticated partition of realms), and the examples gleaned /



gleaned are not aberrant, then there is reason to doubt whether all unmodern environments are so manifestly undifferentiated as some theories about privacy's genesis advocate. The problem is less the overall shape that generalizations about individuality and the dichotomy give to social developments, than their blindness to variations among superficially similar sets of social groupings. On the whole "primitive societies did not know the phenomenon of privacy",<sup>48</sup> "the more one goes back in history the greater homogeneity",<sup>49</sup> "the further we go back in history, the more the individual ... seems to depend on and constitute a part of a larger whole",<sup>50</sup> and "with the advance of civilization the lives of human beings are increasingly split between an intimate and a public sphere".<sup>51</sup> Awareness that "for the greater part of human development self-consciousness does not exist"<sup>52</sup> is more prevalent than "the mistake of supposing the sense of individuality... is a universal sense in time and space".<sup>53</sup> Irrespective of discipline and ideological persuasion, commentators describe "the shift in the direction of greater individualization"<sup>54</sup> and detect signs of "all roads" leading "to individualism"<sup>55</sup> in tangible objects such as chairs replacing benches or separate containers for food and drink) and artistic outlets (such as portraiture, diary-keeping and the rise of the novel).<sup>56</sup> The incremental impact of modernizing changes on "the abstraction"<sup>57</sup> of the individual is scarcely affected by disputes over how linear or cyclical<sup>58</sup> the trend is and the fit /



fit of its time scale with standard historical periods. The idea that the 'discovery' of the individual is really a 'rediscovery' from classical times leads at most to 'civilized' replacing 'modernized', whilst the academic 'spot-the-individual-coming-out-of-the-shadows' game mainly shunts the threshold of modernity backwards and forwards. The "gulf between public and private",<sup>59</sup> which is "taken so much for granted" and "so compulsive a habit that it is hardly perceived in consciousness",<sup>60</sup> may have gained recognition more slowly. The development may have been pursued most vigorously by those worried about a desocializing retreat into an overloaded private realm that leaves the public sphere unattended and the individual unfulfilled. Yet, there is little doubt that "the cleavage between public and private",<sup>61</sup> is attributable to the very processes associated with modernization, such as the increasing division of labour and separation of work from home, or the expansion of markets and communications.<sup>62</sup> Modernity does indeed seem to have brought about a growth in the "differentiation of all kinds",<sup>63</sup> whose impact on privacy's fortunes will be followed through later on.

But when, ipso facto, other societies, by dint of not being modern, are denied any acquaintance with individuality and the dichotomy, then fragmentary contra-indications start to niggle away. The most solid thing I have to go on are assessments of how the individual is regarded in comparable social groupings,<sup>64</sup> such as Dorothy Lee gives in her work on North American Indians. She describes a broad spectrum which /

which at the individuated end goes well beyond the familiar. Sure enough, the Wintu for whom "the self has no strict bounds, is not named and is not recognized as a separate entity" have a "low level of individualization generally".<sup>65</sup> But the Navaho's heightened sense of individual integrity and autonomy "far outstrip" that of the mainstream culture.<sup>66</sup> There is the definite suspicion that the appropriation of individuality to modernity (which is partly an ethnocentric elevation to exclusivity and partly a generalization's approximation), is sometimes misplaced. The dichotomy is on the face of it harder to partially disentangle from modernity. If, however, "from the viewpoint of privacy ... the distinction between the private and public realms ... equals the distinction between things that should be shown and things that should be hidden",<sup>67</sup> then some unmodern societies would seem to employ the division. For instance, Bourdieu contrasts the Berber house "which is the universe of women and the world of intimacy and privacy" with "the external world which is a specifically masculine world of public life and agricultural work". He goes on to say that "the opposition between the house and the assembly of men, between the fields and the market, between private life and public life ... overlaps very exactly with the opposition between the dark and nocturnal, lower part of the house and the noble and brightly-lit upper part".<sup>68</sup> Snippets of this sort set me against accepting that the dichotomy or individuality, and by association, privacy, never have a part to play /



play in traditional societies. I turn instead to seeking out more broadly based connections between, notions of what it is to be a human being, and organizational aspects of the framework within which life is conducted, and privacy's standing in society.

I want to know what factors mould the cultural possibility of privacy in terms of its cognition and evaluation. What evidence is there for "a relation between individualism and privacy on the one hand and on the other between feelings of community and privacy"?<sup>69</sup> In what sense is "the distinction between 'public and private' ... crucial to the concept of privacy"?<sup>70</sup> A side benefit of turning assertions like these into questions could be to provide theories more in Merton's middle-range class. As it is, partly perhaps because the modernity scenario inhibits the collection of additional data whether congruent or not, analyses tend to lurch from resounding but over-inclusive generalities to narrow-gauge interaction effects. The speculative element remains regardless though, since there is a real dearth of empirical detail. Even descriptions of privacy in action that do exist, are apt to be vague or silent about the impact of social images and structure. For instance, Murphy starts from a universalist premise ("how to get rid of people, or at least disengage from certain of them, is a question in all societies"), and feels no compulsion to relate the Tuareg's pursuit of privacy to their self-concept or organization.<sup>71</sup>

Dorothy /



Dorothy Lee makes little of any carry-over and runs together the "fact" that the Tikopia "is not treated as if he had ... a separate identity" with illustrations of how "the Tikopia help the self to be continuous with its society through their physical arrangements."<sup>72</sup> Gregor who does stress "the opposition of self and society" is talking about privacy among the Mehinaku a tribe only fifty-seven strong.<sup>73</sup> Nevertheless, though there is not always the evidence giving chapter and verse and many linkages are implicit or indistinct, there is a strong feeling around that privacy has to do with individuality and/or the dichotomy. The alignment is strikingly consistent, even if the modernity component is dropped or people cannot make up their minds about the facts. It is interesting to notice, for example, this pervasive mutuality at work in the writings of Bensman and Lilienfeld. When their study emphasizes the lack of privacy in primitive and ancient societies then "the distinction between the public and private does not exist" and "the individual cannot conceive of himself as having an identity apart".<sup>74</sup> When, earlier on, privacy is depicted as "evaluated negatively" rather than altogether absent, they are slightly less uncompromising about the same setting; "the private individual qua individual did not exist to any extent" and "intimate and public roles were not sharply differentiated".<sup>75</sup>

My approach to uncovering more about the processes that rule privacy in or out is rooted in the conviction that the possibility of privacy is jointly dependent upon perceptions of the individual's place in the order of things together with the /

the social arrangements that partly engender and partly result from these perceptions. If favourably combined they can unconsciously or deliberately lay the basis for a privacy whose actual availability will be conditioned by other sets of different order factors determining situational appropriateness. The technique of differentiating between the lack of privacy in cultures unfamiliar with the precept and in social set-ups unfavourably disposed towards it, should help put the modernity argument in perspective. But there are some difficulties. Commentators can be uncertain themselves about the causes of low salience or may be more interested in the outcomes than the underpinnings of privacy. There are also the risks of implying that privacy is absent one day and present the next as if 'born' a fully exploitable social mechanism and that the requisite levels of personal and structural differentiation are quantifiable. The attempt to establish the initial foundations for privacy is probably more contentious than the demonstration of influences once the individual is obviously on the scene and activities are readily segmented. The conclusion reached is that privacy enters social life, not with the individualism associated with modernity or its "bifurcation of public and private spheres",<sup>76</sup> but, less expansively, with "the conception of the person as an individual perceiving himself"<sup>77</sup> in circumstances that allow for some minimal screening. Thus my definition of privacy as 'when access between persons and contextual outsiders is intentionally and acceptably restricted' presumes /



presumes both the recognition of individuals as separable entities and the cultural facility to effect legitimate exclusions. The notion that privacy, at least as defined here, would not arise without the individuation-type individuality is put forward both in the sense that "any exclusion of self from others underscores the prior existence of such a self"<sup>78</sup> and that "without individuality there is no function for privacy".<sup>79</sup> Zamiatin's 'dystopia',<sup>80</sup> We has a similar line of reasoning. "We live together beneath the eyes of everyone, always bathed in light. We have nothing to conceal from one another" ... "It is because nobody is one, but one of. We are all so much alike".<sup>81</sup> From what the evidence reveals, there do not seem to be any examples of privacy existing without acknowledgement of the individual. A decision about the significance of the public/private divide is more tentative, because it is a protracted multi-faceted changeover in how persons are conceptualized and how society is organized. The nub is the idea that an individual has some concerns that are not the proper concern of all, which can sometimes be practically or symbolically shielded. The modernist view that in "crowded collective existences" there is "no room for a private sector"<sup>82</sup> is substantially true. But instances of privacy's realization do display, in however dilute and elementary a form, a conventionalized implementation of the understanding that not all living is to be done in public. Konvitz suggests that "once a civilization has made a distinction between /

between the 'outer' and the 'inner' man, between the life of the soul and the life of the body, between the spiritual and the material, between the sacred and the profane, between the realms of God and the realms of Caesar, between Church and State, between rights inherent and inalienable and rights that are the power of government to give and take away, between public and private, between society and solitude, it becomes impossible to avoid the idea of privacy by whatever name it may be called".<sup>83</sup> These distinctions will often be embryonic but something of the sort appears to exist whenever privacy does.

So much for the still relatively veiled role of a minimal kind of individuality and dichotomy in the recognition of privacy. If correct it follows that modern societies, by virtue of their individuated imagery and pluralistic arrangements will be aware of privacy, which in unmodernized worlds is less likely, to the extent that social actors and spheres of activity are undifferentiated. The capacity to segment individuals and their affairs is thus, to pick up on the earlier contention, a 'sufficient' condition for privacy, which is uniformly met in modern societies and against the odds in unmodern societies. But the readiness to give effect to privacy as an expression of this segmentation is not always found. The triggering or suppression of privacy seems to depend on the evaluation of individuality and the dichotomy. There is clearly an attitudinal reciprocity between how people view the individual and what they have to say about privacy. It /



It is forcefully mediated in the very practical terms of whether organizational structures foster or discourage privacy, according to their regard for or disregard of, a public/private divide. Answers to the old question "is privacy to be respected or suspected?",<sup>84</sup> that prize privacy as a precious social value or dismiss it as a pathological cult, are coloured by the commentator's appraisal of the individual and inclination to believe in "the sacredness of individuality"<sup>85</sup> or to mistrust any "individualistic conception of society".<sup>86</sup> Terminology alone indicates the antipathy of 'total' institutions and 'totalitarian' societies to the separating out of some concerns as 'personal'.<sup>87</sup> "It is indeed, precisely a mark of a totalitarian political regime and of total institutions, that they consider all experiences fair game for surveillance and examination, and allow for no private space".<sup>88</sup> Inside "total institutions the patient or inmate has no escape; he has no privacy",<sup>89</sup> as witness "the intense exposure and contamination of the self" in mental hospitals<sup>90</sup> or "the lack of privacy of all kinds" in prison.<sup>91</sup> "Totalitarians are, in principle, unwilling to tolerate reserves of privacy",<sup>92</sup> and privacy's incompatibility "with totalitarianism because it is likely to cover - indeed to propagate - non-conformity"<sup>93</sup> is grimly recorded in reports of reality that rival fiction. For instance, in Kampuchea, where "informers in villages were required at night to listen to people's conversations - it was illegal under the Pol Pot regime to close your doors or windows at night /

night time on pain of death ... Dogs and cats would disturb informers and spies and so they were eliminated".<sup>94</sup> Such ruthlessness however is by no means a quality intrinsic to exemplars of the proposition that "the closer the network, the less privacy can be an accepted ideal".<sup>95</sup> Charles Nordhoff noted in 1875 that "in a well-ordered commune there is hardly the possibility of privacy" because the fundamental principle of communal life is the subordination of the individual's will to the general interest".<sup>96</sup> The premium put upon corporate satisfactions can lead to a "closely knit community where privacy is neither known nor desired" and "there is evident a sort of collective identification. The individual is merged but never submerged".<sup>97</sup> The kibbutz, with its "almost complete absence of privacy"<sup>98</sup> is seen as carrying on these traditions. "According to kibbutz ideology one is all the more a person, the more one is truly part of the collective" and "the kibbutz born is essentially himself when among others".<sup>99</sup> Those committed to the way of life that the kibbutz offers, would consider "dissatisfaction with lack of privacy ... an instance of individualism",<sup>100</sup> react unsympathetically to "ways utilized by residents of one kibbutz to gain social and personal distance",<sup>101</sup> and be alarmed by institutional change<sup>102</sup> or other signs that "the kibbutz finds itself ... making a series of 'concessions' to privacy".<sup>103</sup> Low esteem /



esteem for privacy goes along with an off-centre placement of the individual and a weak demarcation of public and private realms.

The final setting, the classical world, is used to pull together the framework that has been traced out and to see how the case fits. The Greeks are usually thought to possess the traits hypothesized as fundamental to privacy, that is to say, they "enabled man to become aware of himself as an individual"<sup>104</sup> and "men were conscious of the threshold between public and private".<sup>105</sup> Accordingly, they were familiar with privacy. But, in line with the belief that "connotations ... are inextricably bound up with the general assumptions we hold as to the nature of human nature and human interaction",<sup>106</sup> the privacy they knew about had an overwhelmingly privative aura. Hannah Arendt perceptively describes the city-state's "distinction between a private and public sphere of life" corresponding to "the household and the political realms".<sup>107</sup> "The private realm of the household was the sphere where the necessities of life, of individual survival as well as of continuity of the species, were taken care of and guaranteed".<sup>108</sup> "The realm of the polis, on the contrary, was the sphere of freedom"<sup>109</sup> and "to be political meant to attain the highest possibility of human existence".<sup>110</sup> For the Greeks "a life spent in the privacy of 'one's own', outside the world of the common is 'idiotic' by definition ... it meant literally ... being deprived of something and even the highest and most human /

human of man's capacities. A man, who lived only a private life ... was not fully human"<sup>111</sup> but more "a specimen of the animal species man-kind. This precisely, was the ultimate reason for the tremendous contempt held for it by antiquity".<sup>112</sup> In Willard's words, "the culture which so prized individual excellence that it has been called a culture of personality is also one which assumed at the outset that this personality of the individual could only grow and realize itself in the company of other human beings".<sup>113</sup> as they lived together in the polis. Activity in the public not the private realm gave meaning to men's lives, while those engaged in the hidden tasks of the household, who had privacy, were thereby deprived. Arendt in fact reserves her admiration for the "Roman people who unlike the Greeks, never sacrificed the private to the public, but ... understood that these two realms could exist only in the form of co-existence" and were responsible for "the full development of the life of hearth and family into an inner and private space".<sup>114</sup> Both her Greek and Roman examples bear out the hypothesized alignments by which privacy subsists according to some recognition of a public/private divide and is appraised according to the relative importance attached to the two realms. A positive approach to privacy, as an enriching experience in the right circumstances, is consonant with "a dualism of spheres"<sup>115</sup> view; the acceptability of Emerson's idea that "A man must ride alternately on the horses of his private and his public nature, /



nature, as the equestrians in the circus throw themselves nimbly from horse to horse, or plant one foot on the back of one, and the other foot on the back of the other ....".<sup>116</sup> The Greek dominance of the public realm and the deprivational privacy of non-participants is preserved etymologically in the word itself.

The conclusion reached is that privacy is not "culture bound"<sup>117</sup> by modernity. The suggestion is that its recognition as an option depends on a modicum of differentiation at both individual and social levels. The following three chapters are devoted to a concrete investigation of what seems to have happened within the British context, matching up practice and theory as much as possible.



1. "Since the 1960's serious interest in the conception of privacy has been increasing in the behavioral sciences and in other disciplines", Stephen T. Margulis, "Conceptions of Privacy: Current Status and Next Steps", Journal of Social Issues, 33, Summer 1977, 5-21, p. 6. The Reader's Guide to Periodical Literature, which seems to have indexed 'privacy' from its inception shows interest growing between 1890 and 1960, and booming thereafter.

1890 - 99	4 entries	1930 - 39	15 entries
1900 - 09	3 entries	1940 - 49	15 entries
1910 - 19	5 entries	1950 - 59	28 entries
1920 - 29	2 entries	1960 - 69	154 entries

2. e.g. The Universal Declaration of Human Rights, December 1948.

Article 12, "No-one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks".  
Article 29, "Everyone has duties to the community in which alone the free and full development of his personality is possible."

See Frederick M. van Asbeck, The Universal Declaration of Human Rights and Its Predecessors, 1679-1948 (Leiden: E.J. Brill), 1949, p. 94 and p. 98.

- e.g. The European Convention for the Protection of Human Rights and Fundamental Freedoms, September 1953.

Article 8, (1), Everyone has the right to respect for his private and family life, his home and his correspondence.

(2), There shall be no interference by a public authority with this exercise of this right except as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

See Francis G. Jacobs, The European Convention on Human Rights (Oxford: Clarendon Press), 1975, p. 125. Ian Brownlie, Basic Documents on Human Rights (Oxford: Clarendon Press), 1971, reproduces clauses from the International Covenant on Civil and Political Rights, 1966 (p. 218) and the American Convention (Latin America) on Human Rights 1969 (p.408), together with provisions for privacy in national constitutions (p. 22, 28, 47, 70).



3. Kenneth Younger's, Report of the Committee on Privacy, Cmnd. 5012, July 1972, is the prime British example, though not the first nor the most practically productive governmental inquiry. For a brief survey of developments elsewhere prior to 1972 see Appendix J, The Law Overseas, p. 308-326. The United States have given substantial official attention to the subject in congressional hearings, legislatively and administratively, with high levels of activity also in Scandinavia, Canada and Australia.
4. The bibliography notes the published proceedings of several conferences and it would be equally invidious to single out monographs for particular mention. Journals with special issues on privacy includes, American Scholar (1960), Humanitas (1975), International Social Science Journal (1972), Journal of Educational Measurement (1967), Journal of Social Issues (1977), Journal of the Royal Society of Arts (1977), Law and Contemporary Problems (1977), Minnesota Law Review (1968), Ontario Psychologist (1974), Prism (1974), Twentieth Century (1962). Privacy was the subject of the American Society for Political and Legal Philosophy's yearbook for 1971, and a British bi-monthly journal Information Privacy, IPC Science and Technology Press, began publication in September 1978.
5. A press cuttings file on privacy would be bulky; just one example is a Spectrum feature, "What the State knows about you", Sunday Times, July 2, 1978, p. 12. A series of four programmes under the title 'Invaders', presented by Christopher Matthew were broadcast by B.B.C. Radio 4 in Spring 1983, ("Today's television and radio programmes", The Times, April 13, 1983, p.23), though coverage generally is less extensive than that given by the press.
6. See for example, Advisory Council for Education, "The 'Where' Survey of School Records", Where?, October 1975, 261-265, and Which?, "Safeguards for Personal Information", Which?, April 1980, 255-258.
7. See for instance, the National Council for Civil Liberties' publication, Patricia Hewitt, Privacy: The Information Gatherers, 1977, which was part of the NCCL 'Right to Know' Campaign. Also, Ruth Lister, As Man and Wife? A Study of the Cohabitation Rule, 1973, published by the Child Poverty Action Group.
8. Both Time and Newsweek magazine run features on privacy from time to time - e.g. "In Defense of Privacy", Time, July 15, 1966, 22-23, "The Assault on Privacy", Newsweek, July 27, 1970, 25-30, "Striking Back at the Super Snoops", Time, July 18, 1977, 15-19. For a British example see "The Secret Dossiers on You", Woman, March 5, 1977, 12-15 and 45.



9. Howard Kirk, the hero of Malcolm Bradbury's novel The History Man, 1975, and subsequently filmed for television, is writing a book called The Defeat of Privacy.
10. Gary Shirts, The Privacy Game, A Simulation Game published by Simile II, of Del Mar, California.
11. Richard A. Wasserstrom, "Privacy", in Today's Moral Problems, 1979, 392-408, p. 392, notes that "almost all philosophical and public policy examinations of privacy have appeared within the past fifteen years", though Malcolm Warner and Michael Stone referred in The Data Bank Society, 1970, p. 90 to the New York Times' files with "at least 3,500 references" (books and articles) ... on the problem of computer privacy alone".
12. Books and articles with the word privacy in their title, 1875-1979, as listed in the bibliography; dissertations have been omitted - see Chapter 3, note 3.

1875-79	1	1910-14	1	1945-49	5
1880-84	0	1915-19	0	1950-54	9
1885-89	1	1920-24	0	1955-59	17
1890-94	7	1925-29	2	1960-64	34
1895-99	1	1930-34	3	1965-69	113
1900-04	2	1935-39	2	1970-74	192
1905-09	1	1940-44	1	1975-79	187
13. Stephen T. Margulis, "Privacy as a Behavioral Phenomenon: Coming of Age", in Man-Environment Interactions, ed. Daniel H. Carson, 1974, pt. II, 101-124, p. 101.
14. Willard Hurst, "Law and the Limits of Individuality", in Social Control in a Free Society, ed. Robert E. Spiller, 1960, 97-136, p. 102, talks "of a privacy both inescapable and in a measure insurmountable".
15. George Orwell, Nineteen Eighty-Four, 1954, p. 25.
16. Eugene Zamiatin, We, 1975, p. 121.
17. Ibid., p. 13.
18. For example, privacy either "seems to be a basic human need," (Margaret Mead, "Neighborhoods and Human Needs", Ekistics, 21, February 1966, 124-126, p. 124), "one of the major human needs" (Abraham Hoffer, "The Importance of Privacy", Community Planning Review, 19, Summer 1969, 13-16, p. 14), or privacy is "not an innate characteristic of human nature" (H.W. Arndt, "The Cult of Privacy", Australian Quarterly, 21, September 1949, 68-71, p. 69), "nor basic to the human condition" (Guy Powles, "Panel Discussion" in What Price Privacy?, Victoria University of Wellington, Symposium on Computers, Records and Privacy, 1975, p. 67).



19. Geoffrey Palmer, "Privacy and the Law", New Zealand Law Journal, November 18, 1975, 747-756.
20. E.L. Godkin, "The Right of the Citizen IV: To His Own Reputation", Scribner's Magazine, 8, July 1890, 58-67, p. 67. The Warren and Brandeis article was published in December 1890. Our relative neglect of Godkin's importance is made clear by a contemporary, Herbert S. Hadley, "The Right of Privacy", North western Law Review, 3, October 1894, 9-21, p. 9; "Coming as it did at a time when public interest had been aroused in this question by an article in one of our popular monthlies on the subject of reportorial invasion of the privacy of life (i.e. Godkin's) the Harvard Law Review article created considerable discussion in the legal world". Sometimes there are echoes of Godkin's language - Michael G. Stone, Computer Privacy, 1968, p. 26, "Historically appreciation of privacy as a value is a comparatively recent development ... Even now it is not known in 'uncivilized' societies".
21. Peter F. Drucker, The Age of Discontinuity, 1969, p. 238.
22. Philip E. Slater, The Pursuit of Loneliness, 1970, p. 126.
23. H.W. Arndt, "The Cult of Privacy", Australian Quarterly, 21, September 1949, 68-71, p. 69.
24. Steven Lukes, Individualism, 1973, p. 62.
25. Derek H. Willard, "Privacy as Communication: A Conceptual Approach for Law and Social Science", unpubl. Ph.D. Thesis University of Iowa, 1975, p. 40 and p. 39. Others depart more obliquely. For instance, the view that "In Europe where pre-capitalist conceptions of honor, family and privacy survive" (my underlining) slips into a David Reisman essay, "Democracy and Defamation: Control of Group Libel", Columbia Law Review, 42, May 1942, 727-780, p. 730.
26. To give just three examples: "Privacy is a boon of the Industrial Revolution and of a middle class society", (Peter F. Drucker, The Age of Discontinuity, 1969, p. 238); "Privacy was virtually non-existent before the Renaissance", (Paul Overy, "Social Privacy", New Society, February 17, 1972, 353, p. 353). "It (privacy) came with the industrial revolution ... It is a concomitant of the individualistic, capitalist system", (Guy Powles, "Panel Discussion", in What Price Privacy?, Victoria University of Wellington Symposium on Computers, Records and Privacy, 1975, p. 67).



27. David H. Eaherty, Privacy in Colonial New England, 1972, p. 6.
28. Richard C. Gossweiler, "The Right of Privacy: Misuse of History", unpubl. Ph.D. Thesis Ohio State University, 1978, e.g. p. 64, "such statements cannot stand unchallenged in light of the sumptuary laws".
29. Edward Shorter's view that "the colonial settlers seem to have seized privacy and intimacy for themselves as soon as they stepped off the boat", (The Making of the Modern Family, 1975, p. 242) would be challenged by the following four colonial historians, at least. Michael Walzer, The Revolution of the Saints (London: Weidenfeld and Nicholson, 1965, p. 301, "Puritan individualism never led to a respect for privacy"; John Demos, A Little Commonwealth (New York: Oxford University Press), 1970, p. 152, "sustained privacy is hard to imagine, in any part of the Old Colony setting", p. 47 "talking of seventeenth century Plymouth or indeed of any seventeenth century community ... one might ask, in fact, whether privacy would be a meaningful concept at all"; Michael Zuckerman, Peacable Kingdoms (New York: Norton), 1978, p. 116, "In the little towns of Massachusetts, then, there was no place of privacy, no time of a man's life when he could rest secure from scrutiny"; Nancy F. Cott, "Eighteenth-Century Family and Social Life Revealed in Massachusetts Divorce Records", Journal of Social History, 10, Fall 1976, 20-43, p. 38, "divorce records have an inherent tendency to emphasize absence of privacy" but p. 24, "privacy within the family and household as we know it ... simply did not prevail in eighteenth century Massachusetts towns".
30. Ann Fischer, "Trukese Privacy Patterns", U.S. Office of Natural Research Review, 1, July 1950, 9-15.
31. Margaret Mead, Coming of Age in Samoa, 1928, p. 176, describes the Samoan as a "civilization which suspects privacy". She notes the "conventional acceptance of a completely ambiguous answer to any personal questions" remarking that "how great a protection for the individual such an attitude is can readily be seen when it is remembered how little privacy anyone has".
32. Dorothy Lee, "The Joy of Work as Participation", in Freedom and Culture, 1959, 27-38, p. 31.
33. Robert F. Murphy, "Social Distance and the Veil", American Anthropologist, 6, December 1964, 1257-1274, p. 1257.



34. Thomas Gregor, Mehinaku, 1977, p. 90.

35. John M. Roberts and Thomas Gregor, "Privacy: A Cultural View", in Privacy, eds. J. Roland Pennock and John W. Chapman, 1971, 189-225, p. 201.

Very High: Chukchee, Kikuyu, Lapps, Lolo, Luo, Tallensi, Tarahumara.

High: Fang, Ila, Koryak.

Intermediate: Dorobo, Iban, Jivaro, Papago, Seri, Tehuelche, Tikopia, Tubatulabal.

Low: Andamanese, Chippewa, Gilyak, Munduracu, Nambicuara, Tapirape, Toda, Trukese, Vedda, Wogeo, Yaruro, Yahgan.

Very Low: Delaware, Goajiro, Ifaluk, Manus, Mataco, Murngin, Senara, Siriono, Tiwi, Tucana, Tupinamba, Yokuts.

36. Ibid., Three anthropologists grouped forty-two cultures (omitting disputed or insufficient evidence) "into five privacy categories on an impressionistic or judgmental basis".

37. Ann Fischer, "Trukese Privacy Patterns", U.S. Office of Naval Research Review, 1, July 1950, 9-15, p. 11-12.

38. Dorothy Lee, "The Joy of Work as Participation", in Freedom and Culture, 1959, 27-38, p. 29 and p. 31.

39. Joseph Bensman and Robert Lilienfeld, Between Public and Private, 1979, p. 93.

40. Paul Fejos, Ethnography of the Yagua, 1943, p. 17.  
"I observed this custom for the first time at the Ant settlement when I entered the house to question the chief. As the chief was unable to answer some of my questions, I asked him to call over the Shaman who was sitting nearby on his hammock facing the wall. The chief declined to call him and seemed astonished at my ignorance in wishing to disturb a person who was in private and therefore not 'at home'. We waited for almost an hour until the Shaman turned toward the center of the house and only then did the chief call him over. At first I thought that this rule applied only to the Shaman, but later I discovered that all members of the clan, even children possessed this privilege".

41. Dorothy Lee, "Community and Autonomy", Humanitas, 1, pt. 2, 147-159, p. 151.
42. Arthur Lovejoy, "The Parallel of Deism and Classicism", Essays in the History of Ideas (Baltimore, Maryland: Johns Hopkins University Press), 1948, 79-98, p. 82.
43. Alan F. Westin, Privacy and Freedom, 1967.
44. Arthur Brittan, The Privatised World, 1977, p. 49.
45. Ibid., p. 45.
46. Joseph Bensman and Robert Lilienfeld, Between Public and Private, 1979, p. 50.
47. Peter L. Berger, Brigitte Berger and Hansfried Kellner, The Homeless Mind, 1973, p. 63.
48. Karl Mannheim, Diagnosis of Our Time, 1943, p. 56.  
See also Edward E. Evans-Pritchard, "The Position of Women in Primitive Societies and in Our Own", in The Position of Women in Primitive Societies and Other Essays, 1965, 37-58, p. 49, "in most primitive societies each home spreads into another and the households mingle in a communal life and without privacy, or the desire for it".
49. Emile Durkheim, The Division of Labor in Society, 1964, p. 138.
50. Karl Marx, "Appendix A Contribution to the Critique of Political Economy", in Introduction to the Critique of Political Economy, trans. N.I. Stone (New York: International Library Publishing), 1904, 265-312, p. 267.
51. Norbert Elias, The Civilizing Process, 1978, p. 190.  
See also, Erich Fromm, Escape From Freedom, 1941, p. 43, "Medieval society did not deprive the individual of freedom because the 'individual' did not exist yet", and Jacob Burckhardt, The Civilization of the Renaissance in Italy, transl. S.G.C. Middlemore (London: Phaidon Press), 1950, p. 81, "In the Middle Ages ... man was conscious of himself ... only through some general category".
52. Herbert E. Reid, Icon and Idea (London: Faber and Faber) 1955, p. 111.



53. Robert A. Nisbet, The Social Bond, 1970, p. 372. It does not appear so difficult as Frederick Teggart anticipated, in The Process of History (New Haven, Connecticut: Yale University Press), 1918, p. 86, "for the modern man to realize that in the earlier period, individuality did not exist". Nor is the appreciation that "men are not always aware of themselves as distinct units", so "contrary to common belief", Tamotsu Shibutani, Society and Personality, 1961, p. 89.
54. Norbert Elias, The Civilizing Process, 1978, p. 257.
55. Christopher Hill, The Century of Revolution, 1603-1741, (Edinburgh: Thomas Nelson), 1961, p. 253, "All roads in our period have led to individualism".
56. See, for example, Norbert Elias, The Civilizing Process, 1978, especially p. 69 and Philippe Aries, Centuries of Childhood, 1962, especially p. 405. Also Ian Watt, The Rise of the Novel, 1963, p. 87, "The novel requires a world view which is centred in the social relationship between individual characters; this involves secularization and individualism".
57. Raymond Williams, "Individuals and Society", in The Long Revolution, 1961, 72-100, p. 76.
58. See for example, Harry M. Currie, The Individual and the State, 1973, p. 2, "Historically a cyclic tendency is discernible in human society, in which the emphasis moves from a general order to the individual and from the individual back to a general order".
59. Stig Stromholm, Right of Privacy and Rights of the Personality, 1967, p. 16.
60. Norbert Elias, The Civilizing Process, 1978, p. 190.
61. Peter L. Berger and Brigitte Berger, Sociology: A Biographical Approach (Harmondsworth, Middlesex: Penguin Books), 1976, p. 272.
62. See for example, Emile Durkheim, The Division of Labor, 1964, p. 403, "individual personality develops with the division of labor", and Hans Gerth and C. Wright Mills, Character and Social Structure, 1954, p. 283, "It was the differentiation of workshop and home, office and home, of private fortune and public capital, of 'bourgeois' and 'citizen' which allowed for drawing a line between 'private and public' life". Alan Dawe, "Theories of Social Action", in A History of Sociological Analysis, eds. Tom Bottomore and Robert Nisbet, 1979, 362-417, p. 377, talks about "the incipient growth of the division of labor, of towns, of markets, of communications, of a market economy and of entrepreneur capitalism".

63. Alan Dawe, "Theories of Social Action", in A History of Sociological Analysis, eds. Tom Bottomore and Robert Nisbet, 1979, 362-417, p. 378.
64. Trying hard not to fall victim to the "superficial and misleading ... notion that 'individualism' and 'collectivism' are the opposite ends of a scale along which states and theories of the state can be arranged, regardless of the stage of social development in which they appear", Crawford B. Macpherson, The Political Theory of Possessive Individualism: Hobbes to Locke, 1962, p. 256.
65. Dorothy Lee, "The Concept of Self Among the Wintu Indians", in Freedom and Culture, 1959, 131-140, p. 132.
66. Dorothy Lee, "Individual Autonomy and Social Structure", in Freedom and Culture, 1959, 5-14, p. 6.
67. Hannah Arendt, The Human Condition, 1958, p. 72.
68. P. Bourdieu, "The Berber House", in Rules and Meanings, ed. Mary Douglas, 1973, 98-110, p. 102-103 and p. 104.
69. Bruno Bettelheim, "Some Comments on Privacy", in Surviving and Other Essays, 1979, 399-411, p. 405.
70. Colin Mellors, "Governments and the Individual - Their Secrecy and His Privacy", in Privacy, ed. John B. Young, 1978, 87-112, p. 89.
71. Robert F. Murphy, The Dialectics of Social Life, 1971, p. 226.
72. Dorothy Lee, "The Joy of Work as Participation", in Freedom and Culture, 1959, 27-38, p. 29.
73. Thomas Gregor, Mehinaku, 1977, p. 258.
74. Joseph Bensman and Robert Lilienfeld, Between Public and Private, 1979, p. 172.
75. Ibid., p. 36.
76. Frankfurt Institute for Social Research, Aspects of Sociology, trans. J. Viertel (London: Heinemann Educational), 1974, p. 45.
77. Joseph Bensman and Robert Lilienfeld, Between Public and Private, 1979, p. 44.
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### CHAPTER THREE

'Tracing the Growth of Privacy Experiences'



There is no prospect of following up privacy's history on the scale, for instance, of the "interesting speculation" that "privacy as we know it, is largely a neolithic invention occurring primarily in the Old World, and diffusing from the Near East".<sup>1</sup> But opportunistic foragings among the chance references and survivals in our record of the past can procure some appreciation, albeit halting and feint, of privacy's course within a single cultural setting and how it has been influenced. The biases of the data inevitably colour an account whose contours will reflect the kinds of privacy considered and whose break-points will depend on the criteria applied. Hence my efforts to extend the informational range beyond the domestic confines of the upper reaches of society. The findings about privacy in Britain are organized into three sections which, though aimed at giving a longitudinal impression, are only approximately sequential. Chapter Three gathers together the rather sparse information for the period running up to about 1700 when the notion and practice of privacy were entering into social relationships. It asserts that there were pre-modern privacy experiences and sketches in the form they took, hopefully providing material to rebut the 'modernity as the pre-condition of privacy' argument. Discussion then moves to the time when privacy is incontrovertibly on the scene, but both its social diffusion in terms of value hierarchies and practical availability, and its links with radically changing economic and social conditions, are /

are very unclear. Chapter Four is given over to investigating the eighteenth and nineteenth century "crystallization of the ideas of privacy and domesticity".<sup>2</sup> It focuses on relationships firstly within households and secondly between household members and the outside world, trying throughout to distinguish between the environments and encounters of different social groups. Chapter Five starts by filling in developments on other than the domestic front as part of the characterization of privacy concerns. It then assesses the factors to which privacy's rise has been attributed, before examining what has been made of privacy's twentieth century fortunes. It thus connects up with the theoretical considerations of the second chapter and brings the historical survey to a close.

Leads were first sought from dictionary citations of privacy's historical usage, despite reservations about the significance of 'privacy' as a vocabulary item. The verbal tag's exclusion, for example, from an index or keyword system may give a misleading impression of a book's contents or a topic's literature.<sup>3</sup> More importantly groups may well know about privacy before or without using that term, and the time or cultural lag involved give a spurious air of novelty.<sup>4</sup> Raymond Williams agrees that "it is always difficult to date an experience by dating a concept" but concludes that "when a new word appears - either a new word or /



or a new sense of a word - a particular stage has been reached that is the nearest we can get to a consciousness of change".<sup>5</sup> The time spread of the Oxford English Dictionary's literary qudes is consistent with privacy being a product of the modern era in that only one dates from before 1591.<sup>6</sup> But the fact that fourteen seventeenth century illustrations are given throws doubt on the idea that "privacy was an eighteenth century invention".<sup>7</sup> The argument already made against modernity as the begetter of privacy, whatever its effects on other aspects, is also instrumental in casting the net further back.

The 'catch' from written sources is modest, yielding a stray remark about the twelfth century, and two hundred years on Langland's observations about the use of the great hall, followed by the provisions of the 1381 Justice of the Peace Act. Elizabeth Cheadle's passing comment that "In the reign of King Stephen it was considered etiquette to cough very loud when entering a house, 'for there may be something doing which you ought not to see'"<sup>8</sup> is tantalizingly unverifiable since there are no notes. The 1381 Act is not, on inspection, the reliable indicator it might be thought that privacy invasion was troublesome enough to require legal intervention. The Act undoubtedly "enables eavesdroppers and 'peeping Toms' to be bound over to be of good behavior".<sup>9</sup> Michael Dalton in 1618 writes that "Suerte for the good Behavior...is also grauntable... against such as by night shall evesdrop mens houses",<sup>10</sup> and William Blackstone /

Blackstone in 1769, "eaves-droppers...are a common nuisance and presentable at the court-leet: or are indictable at the sessions, and punishable by fine and finding sureties for the good behaviour".<sup>11</sup> A 1949 case, according to Walter Pratt, confirmed "that an indictment for being a peeping Tom did exist in common law".<sup>12</sup> But there is no accompanying evidence about the extent to which this general power was either directed or enforced against such offenders. The law as printed in Statutes of the Realm does not single out eavesdroppers and peeping Toms or even mention them by name. Yet inverted commas are sometimes used, not just to acknowledge a colloquialism, but as if the 'peeping Tom' had been lifted from the text of the act. One writer adds to the confusion by citing "a rather splendid clause" ("That you did listen under walls or windows or the eaves of a house to hearken after discourse and thereupon to frame slanderous and mischeievous tales")<sup>13</sup> which turns out to be Blackstone's definition of the eavesdropper.<sup>14</sup> It is a matter for conjecture whether the 1361 Act had eavesdroppers or peeping Toms in view, who were accordingly proceeded against, or whether they became actionable annoyances later on. More promising is the Langland example. The OED's earliest recorded use of 'privacy' is in a verse Life of St. Cuthbert composed around 1450. It tells of the saint journeying from Ireland to England in the care of an old man to whom the boy had been entrusted before a Bishop's death /



death.

"his aldman with his childre fledd,  
In to bretayne to be ledd,  
To kepe aim in priuace,  
While afterward better myght be".<sup>15</sup>

An earlier extract from Piers Plowman, written some time during the fourteenth century, while not mentioning privacy per se offers an insight into changing habits and the reaction of a contemporary.

"Elyng is the halle . vche daye in the wyke,  
There the lords ne the lady . liketh nougte to sytte.  
Now hath vch riche a reule . to etern bi hym-selue  
In a pryue parloure . for pore mennes sake,  
Or in a chambre with a chymneye . and leue the  
chief halle,  
That was made for meles . men to eten inne;"<sup>16</sup>

The picture of the lord and lady regularly withdrawing from communal life in the hall to warm quarters of their own is a vivid piece of direct observation. But what should be read into it about provision for and attitudes towards privacy in general, depends very much on the material evidence that can be adduced and decisions about "how changes in culture, expressed in behavior, relate to changes in the environment, as shown by physical form".<sup>17</sup>

There is considerable discussion about the changes in domestic architecture which are felt both to result from and /

and to result in "an increasing stress laid upon personal privacy".<sup>18</sup> The baseline is a "dwelling...characterized by a general absence of functionally differentiated space";<sup>19</sup> "common to all medieval dwellings of any size was an open hall, the largest and most important room in the house, usually containing the only fire...where all the household gathered and where many and multifarious activities went on".<sup>20</sup> From this pattern the various social orders moved away, at a pace and by means of alterations, in keeping with their resources and aspirations. This leaves plenty of room for disagreement about the nature of the changes that took place, and pertinent evidence, especially about less privileged life-styles, is neither easy to secure nor to evaluate. Nothing much is said about living arrangements in connection with privacy before the fourteenth century and those lines of Langland, which are taken as symptomatic of a switch in customary conduct. "During the fourteenth century...a dominant all-purpose hall...begins to lose its importance. The growing taste for privacy is reflected in the new house plan, formed around a more or less enclosed court. The chamber...becomes more of a private parlour".<sup>21</sup> Although chambers apart from the hall, where "the lord's family and his 'hearth-men' or retainers, lived, ate and slept",<sup>22</sup> were not hitherto unknown, it is argued that "once the chimney provided a source of heat in individual rooms, the quest for privacy could proceed apace".<sup>23</sup> With /



With the hall no longer "the only place where an indoor fire was made",<sup>24</sup> "the chimney fostered the small room... As the room size decreased there followed a tendency to divide the function performed in them, establishing compartments based upon tasks...the use of individual apartments had important social implications such as the growth of privacy".<sup>25</sup> It is agreed then that there was "a trend towards a greater compartmentalization of the domestic space with separate rooms used for specialized purposes".<sup>26</sup>

Commentators differ over the timing and diffusion of the development. Mumford says that "up to the seventeenth century, at least in the North, building and heating had hardly advanced enough to permit the arrangement of a series of private rooms in the dwelling. But now a separation of functions took place within the house".<sup>27</sup> There is no real agreement about the extent to which this generalization lags behind the situation in more substantial houses or anticipates majority conditions. Discussion has revolved around Hoskins' "thesis of a Great Rebuilding..the remodelling of medieval and sub-medieval open-hall houses and the construction of new houses on new principles".<sup>28</sup> He holds that "between the accession of Elizabeth I and the outbreak of the Civil War, there occurred in England a revolution in the housing of a considerable part of the population...".<sup>29</sup> The houses themselves were warmer, lighter and larger: more /

more fireplaces, windows glazed for the first time, more rooms and more differentiation between them; kitchens took away the cooking and eating from the hall or house-place, bedrooms took away the sleepers, and the farm 'offices' similarly multiplied".<sup>30</sup> As Machin usefully documents, "specialists have suggested regional qualifications - 1670-1720 in northern England; 1660-1725 in Lincolnshire, central and south Wales; Cornwall up to 1660 and perhaps beyond; the Banbury region, 1646-1700; and the Weald, fifteenth century, recommencing in 1570 and extending to circa 1700".<sup>31</sup> Others contest the breadth of the social impact which Hoskins postulates; "all this affected yeomen and husbandmen principally, but there is some evidence to show that labourers, in the open-field Midlands at least, benefitted considerably also".<sup>32</sup> Maurice Barley is emphatic that the first phase of the Housing Revolution (1575-1615) only affected the gentry,<sup>33</sup> though he later admits that many labourers between 1500 and 1640 "were able ... to improve their domestic conditions ... by making a structural division between the living half and the sleeping half of the house".<sup>34</sup> Alan Everitt's detailed study of farm labourers in the same period, which finds considerable geographical variations in housing, concludes that "as the period progressed, the standard of housing definitely improved, and by 1640 four labourers in five (of those who left inventories) lived in cottages /



cottages with at least three rooms".<sup>35</sup> As for the much larger proportion of landless labourers "too poor to leave an inventory", there are only "a few scrappy remarks of contemporary travellers and topographers"<sup>36</sup> to go on. "Walles of earth, low thatched roofes, few partitions, no planchings or glasse windows, and scarcely any chimnies, other than a hole in the wall to let out the smoke" is how Richard Carew describes the older cottages in Cornwall.<sup>37</sup> Except that this study is of 'vernacular housing', Mercer does not make social distinctions when he says "conditions were changing everywhere from about 1660 onwards - as houses of one and a half storeys and of two to three cells or more began to be numerous in many parts which earlier had known only poor dwellings".<sup>38</sup> Machin's conclusion, interim because he is critical of the construct "of a Great Rebuilding at some specific period" even if "located circa 1700 rather than circa 1600",<sup>39</sup> is that "the period 1570-1640 requires subdivision and the emphasis should be laid on the first and last two decades rather than the middle of the period. Quantitatively the period from 1600 to 1739 was far more important".<sup>40</sup> Less well developed, yet involving the same lively issues of timing, spatial and social distribution, is the debate about the introduction of the chimney. Lawrence Wright dates "the beginnings of the chimney in England" to the late thirteenth century.<sup>41</sup> But LeRoy Dresbeck, in an article entitled "The Chimney and Social Change in Medieval /

Medieval England", asserts that "between the twelfth and fourteenth centuries the entire spectrum of life in medieval England witnessed the development of the chimney".<sup>42</sup> The claim, if as implied 'witnessed' equals 'enjoyed', has to be set against an observation like one taken via Henry Home from Hollinshed's Chronicles, "mentioning multitudes of chimneys lately erected" and saying "upon the authority of some old men, but in their younger days there were not above two or three, if so many, in most uplandish towns of the realm, religious houses and manor-places of their lords excepted, but that each made his fire against a rere-dosse in the hall, where he dined and dressed his meat".<sup>43</sup>

Despite Dresbeck's insistence that "the connection between warmth, comfort, and privacy, applied to all people in all levels of the economic and social scale",<sup>44</sup> his opinion that "the use of the chimney among...the lower classes... was more widespread than we have heretofore recognized",<sup>45</sup> is perhaps more judicious.

The tricky issue of what the foregoing changes in the provision of houses, their organization and facilities, have to do with privacy is neatly pointed up as early as 1624 in an architectural treatise. Sir Henry Wotton is surprised at what he sees as a mismatch between the Italian's liking for privacy and the interior of their houses; "they want other Galleries, and Roomes of Retreate, which I have often considered /



considered among them (I must confesse) with no small wonder; for I observe no Nation in the World, by Nature more private and reserved, than the Italian, and on the other side, in no Habitations lesse privacie; so as there is a kinde of conflict, betweene their Dwelling and their Being".<sup>46</sup> Even if "a house plan is human behaviour in diagrammatic form", <sup>47</sup> interpretation is still a difficult matter. Those, for instance, who view the developments outlined in terms of a "progression from gregariousness to privacy"<sup>48</sup> are not of one mind as to whether privacy was the motivation, the outcome, or some mixture of the two. Differences however are played down in the sense that they are rarely explicitly exposed or contested, partly perhaps out of deference to the problem's intractability and advice to avoid involvement with "causal relations". Amos Rapoport, for example, recommends "coincidence"<sup>49</sup> instead, because of the two-way link between behavior and form,<sup>50</sup> plus the complexity of the interactions.<sup>51</sup> Important at this juncture is the effect which the order of any causal chain has upon the dating of when privacy is deemed operative.<sup>52</sup> If desire for privacy is a precursor then privacy's availability, at least conceptually, is brought forward. For example, while Mumford plumps for the seventeenth century onset of structural changes, "the first radical change, which was to alter the form of the medieval house, was the development of a sense of privacy".<sup>53</sup> Hoskins also looks "for the causes of the Great Rebuilding in /

in the filtering down to the mass of the population, after some centuries, of a sense of privacy that had formerly been enjoyed only by the upper classes".<sup>54</sup> Barley accepts that "the architectural development of the great house ... expressed radical changes in the social relations which existed within",<sup>55</sup> but thinks that the percolation downwards stopped at the gentry.<sup>56</sup> "Once we have the whole range of ... society in view ... we can see how limited the notion of privacy must have been".<sup>57</sup> Privacy certainly "was not achieved all at once"<sup>58</sup> and his cautious stress on "the gradual growth of privacy in domestic life"<sup>59</sup> is timely in view of conditions which persisted well into the present century. Equally, however, it does not appear fanciful to talk of an "increasing taste for privacy"<sup>60</sup> which began to be satisfied among the well-off when, "towards the fourteenth century, the rooms of houses began to be multiplied".<sup>61</sup> There presumably was some shift too in attitudes towards the partitioning off of people and their activities. Langland's strong disapproval was, if Wright is to be believed,<sup>62</sup> not atypical; in the Saxon house "dining in private was always considered disgraceful, and is mentioned as a blot in a man's character".<sup>63</sup> Likewise, "we see by the story of King Edwy that it was considered a mark of effeminacy to retire from the company in the hall after dinner".<sup>64</sup> Yet, again according to Wright, the disapproval was not sufficient deterrent /



deterrent for "there are numerous instances which show that, except on festive occasions, this was a very common practice".<sup>65</sup> It has been said that "the organization of domestic space is inseparable from the history of privacy"<sup>66</sup> and the indications so far are that privacy had, for some, entered the repertoire by the time, if not before, 'modernization' took hold.

These indications of privacy being sought after and realized in certain circumstances earlier on than modernists would allow, substantially weakens the argument that "a need for privacy... cannot be proved to have existed before the eighteenth century".<sup>67</sup> However, pushing privacy back in time is not intended either to lead to compression of the period over which it became a familiar idea and practice or to imply that developments within different spheres and relationships were uniformly shaped and paced. Privacy's course obviously depends on which facets (e.g. interest in, opportunities for, legal status) and which types (e.g. whose privacy in relation to whom, in what settings, for what purposes) are under consideration. Nor does privacy lend itself to precise dating even if the evidence were less defective and discrepant. Nevertheless, David Flaherty's contention that "by the seventeenth century in the English speaking world, privacy had become an integral part of a total value system"<sup>68</sup> appears premature. I say this /

this partly because of the way that the conclusion is reached and partly as a result of surveying the scene when privacy is supposedly securely entrenched. Flaherty, in fact, works from universalistic premises,<sup>69</sup> and explicitly declines "simply to illustrate the existence of concern for privacy and the extent to which it was a demanded and cherished value".<sup>70</sup> Recognition that "the quality of colonial life ultimately imposed definite restrictions on the amount of personal privacy that a person could either demand or enjoy"<sup>71</sup> only strengthens his resolve "to identify the perhaps subtle methods developed by individuals to cope with those conditions".<sup>72</sup> He asserts rather than demonstrates that "despite our limited knowledge of the extent of the valuation placed on privacy in England prior to the settlement of America",<sup>73</sup> it was indeed a "cultural goal",<sup>74</sup> which was then implemented by colonists "carrying on the traditional attitude to privacy that they had brought from the mother country".<sup>75</sup> The analysis ranges more widely, yet even within the household, where my own arguments about conscious questing and enhanced opportunities for privacy have been concentrated, we find environments and customs that do not accord with what would be predicted. In seventeenth century England for instance, "architects were still reluctant to give space to circulation and thus provide privacy".<sup>76</sup> Sir Henry Wotton complains in the Elements of Architecture published in 1624 that "they do so cast their partitions as when all Doors are open a man /



man may see through the whole House, which doth necessarily put an intolerable servitude upon all the Chambers save the Inmost, where none can arrive, but through the rest".<sup>77</sup> The next century's solutions, such as corridors, extra stairways and separate quarters, were refinements that came later, if at all, to the less well-off. It can only have been among the favoured few that even "by the eighteenth century the final refinements of domestic privacy had fully established themselves".<sup>78</sup> According to a study of eighteenth century London life, "privacy did not seem to be valued even by those who could insist upon it".<sup>79</sup> The classic behavioral exemplars relate to sleeping arrangements; "the desire for privacy in bed seems to have developed almost as slowly as the means".<sup>80</sup> Nakedness, sharing beds with strangers or relatives, several beds in one room, beds not in special rooms, through traffic and visiting in bedrooms,<sup>81</sup> all suggest a set of attitudes that only moved closer to contemporary mores when habits changed. Despite problems over interpretation which do not always receive due attention,<sup>82</sup> the understanding is that sensibilities did not really start to alter until the eighteenth century as the notion of privacy became more established. A case in point is the mid-century decline in the acceptability of "ladies receiving gentlemen guests while lying in bed or even in their baths"<sup>83</sup>... "finishing their toilet"<sup>84</sup>, which, though a trivial and minority /

minority illustration is interesting because conditioned by fashion and not the lack of any alternative.

A further reflection of muted concern for privacy is its absence from what rhetoric there was against the dictates of authority. "Like the people of other nations living in the same period, the English of the Middle Ages were accustomed to the public regulation of many matters pertaining to private everyday life".<sup>85</sup> Sumptuary legislation, intended to curb excess primarily in dress and food consumption, was first enacted under Edward III and continued over the next three hundred years. "Other laws of a paternalistic character" forbade for example, gambling or games which detracted from archery.<sup>86</sup> The repeat proscriptions are attributed by Frances Baldwin to slack enforcement rather than grim determination. She surmises that a "steady decline of interest"<sup>87</sup> occurred because such laws were felt to be "a manifestation of the medieval fondness for regulation".<sup>88</sup> But there is no hint in her account of resistance on privacy grounds. Joan Kent's study of "Attitudes of Members of the House of Commons to the Regulation of 'Personal Conduct' in Late Elizabethan and Early Stuart England" concludes that "although the opposition encountered by the bills might suggest that many members objected to the regulation of personal conduct, only a few of them seem to have questioned the merits of interference by the State with the habits of the individual".<sup>89</sup>

The /



The overall impression is that privacy was no more an established notion and practice than it was unknown, but that it was making definite inroads. The OED testifies from Shakespeare onwards to a variety of applications for the word during the 1600's, some of which are not recorded as surviving into the next century.<sup>90</sup> A collection of "occurrent proverbs" published in 1639 contains several that can be read as relevant to privacy, including "Scall'd not your lips in other men's porridge".<sup>91</sup> The maxim, "A man's house is his castle"<sup>92</sup> had been invoked in the law courts soon after 1600. Semayne's Case is well known because it found "that the house of everyone is to him as his castle and fortress, as well for his defense against injury and violence, as for his repose".<sup>93</sup> Sir Edward Coke also reports on a slightly later hearing before King's Bench when "the pre-eminence and privilege which the law gives to houses which are for men's habitation was observed...for his house is his castle".<sup>94</sup> It is doubtful whether, as Aries maintains, "the movement of collective life carried along in a single torrent all ages and classes leaving nobody any time for solitude and privacy"<sup>95</sup> to the extent that "until the end of the seventeenth century nobody was ever left alone".<sup>96</sup> We know that medieval religious settings offered the chance of seclusion both "as a way of life" for community members and "as a sphere of life" for short stay visitors.<sup>97</sup> "Privacy had been reserved in the medieval period, for solitaries, for holy persons who sought refuge from /

from the sins and distractions of the outside world".<sup>98</sup>  
 But the religious life, according to the same author also  
 "Universalized the cloister. Medieval culture had its  
 'clausum' where the inner life could flourish. One  
 withdrew at night, one withdrew on Sundays and on feast  
 days...a constant stream of...men turned from the market  
 place and the battlefield to seek the quiet contemplative  
 round of the monastery".<sup>99</sup> While obedience to the rule  
 often meant constant monitoring, life inside the religious  
 house was not always so exposed. Though Benedictines and  
 Cistercians shared a dormitory, Carthusians "lived almost  
 isolated, in self-contained little dwellings ranged round  
 the cloister".<sup>100</sup> Wright describes how "the Cluniacs  
 introduced partitions for privacy, and other orders followed  
 suit in using curtains, wainscotting or even stone",  
 claiming that "we learned our domestic habits as much from  
 the monastery as from the court".<sup>101</sup> Whatever the source,  
 change in secular settings was sufficiently underway by the  
 end of the seventeenth century for writers to reflect upon  
 solitude. Milton's question in Paradise Lost,<sup>102</sup>

... "In solitude  
 What happiness, who can enjoy alone  
 Or all enjoying, what contentment find?",

is answered by a near contemporary, Charles Cotton, in his  
 poem

Retirment /



"O Solitude, the Soul's best Friend,  
That man acquainted with himself dost make

...

How calm and quiet a delight

It is alone

To read, and meditate, and write,  
By none offended, nor offending none;

Maybe he was out of step with the times:

"Lord! would men let me alone,  
What an over-happy one  
Should I think my self to be,

yet the yearning could be experienced and satisfied,

"Oh my beloved Caves!...from Dog-star heats,  
And hotter Persecution safe Retreats,  
What safety, privacy, what true delight".

1. John M. Roberts and Thomas Gregor, "Privacy: A Cultural View", in Privacy, eds. J. Roland Pennock and John W. Chapman, 1971, 199-225, p. 203.
2. Francis M.L. Thompson, "Introduction: The Rise of Suburbia", in The Rise of Suburbia, 1982, 2-25, p. 14.
3. For example, the growing number of references to privacy-related theses over the past two decades is an accurate measure of professional preoccupations. Yet the lack of titles before 1961 is attributable not simply to neglect but to the fact that this was the date when the keyword was introduced and entries started to appear.

Doctoral Theses with keyword 'privacy' in title in Dissertation Abstracts

Pre 1960	0	1971 - 1975	22
1961 - 1965	2	1976 - 1980	<u>48</u>
1966 - 1970	13		
		Total	<u>85</u>

4. For instance, it is hard to take at face value a 1973 Times report of "the recent discovery by the Italians of what they call 'privacy', having no word of their own for the concept"; (Peter Nichols, "Italian Campaign in defence of privacy", The Times, February 23, 1973). Martinotti confirms the lack of any single corresponding term; see Guido Martinotti, "La Difesa Della 'Privacy'", Politica Del Diritto, pt. 1, 2, December, 1971, 749-779, p. 750.
5. Raymond Williams, "Individuals and Societies", The Long Revolution, 1961, 72-100, p. 73.
6. Oxford English Dictionary, 1971.
7. Fernand Braudel, Capitalism and Material Life, 1400-1800, 1974, p. 224.
8. Eliza Cheadle, Manners of Modern Society: Being a Book of Etiquette, 1872 (London: Cassell, Petter and Galpin), p. 10.
9. Justice, Committee on Privacy, Privacy and the Law, 1970, p. 15, para. 62.
10. Michael Dalton, The Countrey Iustice, 1618, reprinted (Amsterdam: Theatrum Orbis Terrarum), 1975, p. 160-161.
11. William Blackstone, Commentaries on the Laws of England, 1769, IV, p. 169.



12. Walter F. Pratt, Privacy in Britain, 1979, p. 219, footnote 89. The case cited is Raffaelli v. Heatly (1949) S.C. (J.) 101.
13. Philip Hickson, Industrial Counter-Espionage, 1968, p. 9-10.
14. William Blackstone, Commentaries on the Laws of England, 1769, IV, p. 169, "Eaves-droppers or such as listen under walls or windows, or the eaves of a house, to hearken after discourse, and thereupon to frame slanderers and mischievous tales".
15. The Life of St. Cuthbert in English Verse, ed. Joseph T. Fowler (London: The Surtees Society), 1889, p. 18, lines 609-612.
16. William Langland, The Vision of William Concerning Piers The Plowman in Three Parallel Texts Together with Richard the Redeless, ed. Walter W. Skeat (Oxford: Clarendon Press), 1886, vol. 1, p. 292, Text B, Passus X, lines 94-99.
17. Amos Rapoport, House Form and Culture, 1969, p. 16.
18. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 253.
19. Lewis Mumford, The City in History, 1961, p. 286.
20. Eric Mercer, English Vernacular Houses, 1975, p. 19. See also Mark Gironard, Life in the English Country House, 1978, p. 30-31.
21. Lawrence Wright, Warm and Snug, 1962, p. 47.
22. Lawrence Wright, Home Fires Burning, 1964, p. 9.
23. LeRoy Dresbeck, "The Chimney and Social Change in Medieval England", Albion, 3, Spring 1971, 21-32, p. 25.
24. Lawrence Wright, Home Fires Burning, 1964, p. 9. "The hall was sometimes called the 'fire-house', being the only place where an indoor fire was made".
25. LeRoy Dresbeck, "The Chimney and Social Change in Medieval England", Albion, 3, Spring 1971, 21-32, p. 25.
26. Mervyn James, Family, Lineage and Civil Society, 1974, p. 12.
27. Lewis Mumford, The City in History, 1961, p. 384.

28. R. Machin, "The Great Rebuilding: A Reassessment", Past and Present, No. 77, November 1977, 33-56, p. 34.
29. W.G. Hoskins, "The Rebuilding of Rural England, 1570-1640", Past and Present, No. 4, November 1953, 44-59, p. 44.
30. Ibid., p. 50.
31. R. Machin, "The Great Rebuilding: A Reassessment", Past and Present, No. 77, November 1977, 33-56, p. 34 especially footnote 5.
32. W.G. Hoskins, "The Rebuilding of Rural England, 1570-1640", Past and Present, No. 4, November 1953, 44-59, p. 50.
33. Maurice W. Barley, The English Farmhouse and Cottage, 1961, p. 60.
34. Maurice W. Barley, "Rural Housing in England", in The Agrarian History of England and Wales, vol. IV, 1500-1640, ed. Joan Thirsk, 1967, 696-766, p. 764-765.
35. Alan Everitt, "Farm Labourers", in The Agrarian History of England and Wales, vol. IV, 1500-1640, ed. Joan Thirsk, 1967, 396-465, p. 442.
36. Ibid., p. 443.
37. Richard Carew, The Study of Cornwall (London: John Taggard), 1602, p. 66v.
38. Eric Mercer, English Vernacular Houses, 1975, p. 31.
39. R. Machin, "The Great Rebuilding: A Reassessment", Past and Present, 77, November 1977, 33-56, p. 55, "instead of a thesis of a Great Rebuilding at some specific period we require a theory of building history".
40. Ibid., p. 37.
41. Lawrence Wright, Home Fires Burning, 1964, p. 19.
42. LeRoy Dresbeck, "The Chimney and Social Change in Medieval England", Albion, 3, Spring 1971, 21-32, p. 28.
43. Henry Home, Lord Kames, Sketches of the History of Man (Edinburgh: W. Creech), 1774, vol. 1, p. 337.
44. LeRoy Dresbeck, "The Chimney and Social Change in Medieval England", Albion, 3, Spring 1971, 21-32, p. 25.
45. Ibid., p. 28.



46. Sir Henry Wotton, The Elements of Architecture (London: John Bill) 1624, 72-73. Reprinted (Amsterdam: Theatrium Orbis Terrarum), 1970.
47. Lawrence Wright, Warm and Snug, 1962, p. viii.
48. Mervyn James, Family, Lineage and Civil Society, p. 14.
49. Amos Rapoport, House Form and Culture, 1969, p. 17, "one must be careful not to speak of forces determining form. We must speak of coincidences rather than causal 'relations'".
50. Ibid., p. 16, "built form is the physical embodiment of... (behavior) patterns...and forms, once built, affect behavior and the way of life".
51. Ibid., p. 17; "the complexity of forces precludes our being able to attribute form to given forces or variables". Note that Rapoport does say (p. 132) "attitudes towards privacy...have great impact on house form".
52. David H. Flaherty, Privacy in Colonial New England, 1972, p. 35 notes that "obviously the extent to which concern for privacy was predominant is not a subject for statistical verification".
53. Lewis Mumford, The City in History, 1961, p. 285.
54. W.G. Hoskins, "The Rebuilding of Rural England, 1570-1640", Past and Present, 4, November 1953, 44-59, p. 54.
55. Maurice W. Barley, "Rural Housing in England", in The Agrarian History of England and Wales, vol. IV, 1500-1640, ed. Joan Thirsk, 696-766, p. 708.
56. See Maurice W. Barley, The English Farmhouse and Cottage, 1961, 124-5.
57. Ibid., p. 60.
58. W.G. Hoskins, "The Rebuilding of Rural England, 1570-1640", Past and Present, 4, November 1953, 44-59, p. 54.
59. Maurice W. Barley, The English Farmhouse and Cottage, 1961, p. 124-125, "it is profoundly unhistorical to regard the gradual growth of privacy in domestic life as one of the prime aspects of housing development in this age (1575-1615) because it was true only of the gentry".

60. Thomas Wright, A History of Domestic Manners and Sentiments in England During the Middle Ages, 1862, p. 444.
61. Ibid., p. 131.
62. The Dictionary of National Biography entry, (D.N.B., ed. Sidney Lee, vol. 21, 1909, 1045-1048) for Thomas Wright (1810-1877) refers to Wright's 129 publications in the British Museum Catalogue, noting that "his enthusiasm and industry were inexhaustible" but that "much of his work was hastily executed and errors abound".
63. Thomas Wright, A History of Domestic Manners and Sentiments in England During the Middle Ages, 1862, p. 19.
64. Ibid., p. 40.
65. Ibid., p. 40.
66. Francis R. Hart, "The Spaces of Privacy: Jane Austin", Nineteenth-Century Fiction, 30, December 1975, 305-333, p. 306.
67. Jean-Louis Flandrin, Families in Former Times, 1979, 93-94.
68. David H. Flaherty, Privacy in Colonial New England, 1972, p. 242.
69. Ibid., for example, p. 20, "human nature is fundamentally the same"; p. 6, "privacy should be viewed as a characteristic concern of human nature from time immemorial"; p. 20, "all societies have demonstrated some level of concern for privacy".
70. Ibid., p. 19.
71. Ibid., p. 21.
72. Ibid., p. 23.
73. Ibid., p. 7.
74. Ibid., p. 6.
75. Ibid., p. 7.
76. Lawrence Wright Warm and Snug, 1962, p. 79.



77. Sir Henry Wotton, Elements of Architecture, 1624, p. 72. The recommendations of a manual on the Maison Rustique or The Countrey Farme, originally published in 1600 and appearing in translation in 1616, is that, "Upon the left hand of the said Alby or Entrie shall be your Hall, through which you shall passe into your Chamber, and out of your Chamber into your Wardrobe and inner Chamber". See Charles Estienne and John Liebault, Maison Rustique or the Countrey Farme, transl. Richard Surfleet and rev. Gervase Markham (London), 1616, p. 17.
78. Ian Watt, The Rise of the Novel, 1963.
79. Rosamond Bayne-Powell, Eighteenth-Century London Life (London: John Murray), p. 82.
80. Lewis Mumford, The City in History, 1961, p. 286.
81. For example, Ibid., "even in seventeenth century engravings of upper-middle class life...the bed still occupies a part of the living room", and Lawrence Wright, Warm and Snug, 1964, p. 80, "Much coming and going through bedrooms...was then a matter of course".
82. Viz. differential rates of change among social classes and other uncertainties such as over the extent to which practices are matters of taste or necessity, and whether rather than reflecting privacy's status, they represent contrasting ideas about what privacy should protect.
83. E.S. Turner, A History of Courting, 1954, p. 84.
84. Joan Wildblood and Peter Brinson, The Polite World, 1965, p. 128. Turner says this was "among the fashions which came from the continent" after the Restoration while others think the practice more long-standing. According to Lawrence Wright, Warm and Snug, 1962, p. 147, in the mid-eighteenth century "in England the custom of receiving visitors in bed was going out of fashion".
85. Frances Baldwin, Sumptuary Legislation and Personal Regulation in England, 1926, p. 12.
86. Ibid., p. 118-119.
87. Ibid., p. 249.
88. Ibid., p. 251.
89. Joan Kent, "Attitudes of Members of the House of Commons to the Regulation of 'Personal Conduct' in late Elizabethan and Early Stuart England", Bulletin of the Institute of Historical Research, 46, May 1973, 41-46, p. 42.

90. Oxford English Dictionary, 1971.
91. See John Clarke, Paroemiologia Anglo-Latina...or, Proverbs English and Latine, 1639, p. 78. The description "occurrent proverbs" appears in the prefatory 'Epistle to the Reader' which is unpaginated. Examples of other proverbs are "Search not too farre into secrets" (p. 31); "He that will be sifting every cloud may be struck with a thunderbolt" (p. 78); "He that is a black is a scab" (p. 132); "Keepe your winde to coole your porridge" (p. 143); and "Tell no tales out of the schoole" (p. 267). See also Morris P. Tilley, A Dictionary of the Proverbs in England in the Sixteenth and Seventeenth Centures (Ann Arbor, Michigan: University of Michigan Press), 1950.
92. Ibid., p. 101.
93. Semayne's Case, Mich. 2. Fac. 1, November 1604, 5 Co. Rep 91b, in English Reports, 77, p. 195.
94. Bowles's Case, Pasa. 13. Fac. 1, April 1615, 11 Co. Rep. 82a, in English Reports, 77, p. 1257.
95. Philippe Aries, Centuries of Childhood, 1962, p. 411.
96. Ibid., p. 398.
97. The phrases summarizing two "ways of looking at the problem" of privacy are borrowed from Howard B. White, "The Right to Privacy", Social Research, 18, June 1951, 171-202, p. 184. Karl Mannheim in Diagnosis of Our Time, 1943, p. 152 says that "The monks were the first people in the medieval world who not only realized the significance of the inwardness which flourishes in privacy, but planned the environment in which it would grow".
98. Lewis Mumford, The Culture of Cities, 1938, p. 118.
99. Ibid., p. 28.
100. Lawrence Wright, Warm and Snug, 1964, p. 42.
101. Ibid., p. 43.
102. John Milton, Paradise Lost, The Works of John Milton, vol. 2, pt. 1, ed. Frank A. Patterson (New York: Columbia University Press), p. 248, Book 8, lines 364-366. Note that the numbering of the later books in modern editions is not the same as in the first edition of 1667. Milton, of course, in other contexts takes a positive view. See, for example, lines from the elder brother in Comus (John Milton, Comus, A Masque Presented at Ludlow Castle 1634, ed. A.S. Collins (London: University Tutorial Press), 1953, p. 16, lines 375-380.



102. Contd.

And Wisdom's self  
Oft seeks to sweet retired solitude  
Where, with her best nurse Contemplation  
She plumes her feathers and lets grow her wings  
That, in the various bustle of resort  
Were all too-ruffled and sometimes - impaired.

103. Charles Cotton, "The Retirement", in Poems on Several Occasions (London: Thomas Basset), 1689, 133-139; Stanza IV lines 1-2, p. 135, Stanza V lines 1-4, p. 135, Stanza IX lines 1-3, p. 138, and Stanza X lines 1-3, p. 138-139.

#### CHAPTER FOUR

'Charting the Expansion of Privacy Opportunities'



In contrast to the disputes over earlier developments, there is a convergence of opinion that privacy made considerable advances in the course of the eighteenth century (e.g. "the eighteenth century established the right of privacy in England";<sup>1</sup> "the eighteenth century family began to hold society at a distance and to push it back beyond a steadily increasing zone of personal life"),<sup>2</sup> and reached some kind of peak during the nineteenth century (e.g. "the first half of the nineteenth century saw interests in privacy rise to their highest level";<sup>3</sup> "in the mid-nineteenth century privacy was ensured by society itself";<sup>4</sup> "this efflorescence of privacy in the third quarter of the nineteenth century").<sup>5</sup> There are obviously differences over the detail, the timing, the causes, and the desirability of developments, with many, quite rightly, quick to emphasize the class bias of opportunities and concern for privacy. But few commentators, regardless of whose privacy vis-à-vis whom in which areas of life they examine and however they feel about what they discern, want to question whether "personal privacy ... ever had any substantial basis in social attitudes and behaviors".<sup>6</sup> Quite the reverse as something akin to a "golden age"<sup>7</sup> is suggested, if not always sympathetically described. The evidence to support generalizations about alterations in how people lived and interacted over this period significantly reducing accessibility to others, is a considerable improvement on that brought forward for the beginnings of privacy, though perhaps more as regards quantity than quality. /

quality. Information drawn from the domestic arena predominates over other materials and there are still the problems caused by failure to catch sight of what was happening normatively, not having enough of the same ground worked over to assess individual contributions, or simply trying to fit bits and pieces together. The greater abundance, while certainly welcome, does also mean that, partly because there is more to go on, the arguments constructed tend to be more complex. Thus the recurrence of the last chapter's "trends to architectural privacy"<sup>8</sup> theme, for instance, is only part of the structural, functional, and behavioural changes in the relationship of the household and its members, both to the world outside and to each other, said to have signalled the satisfaction of privacy aspirations or otherwise redounded to the benefit of privacy. Starting with what Aries calls "the rearrangement of the house and the reform of manners", I move, by way of his contention that they "left more room for a private life ... taken up by a family reduced to parents and children",<sup>9</sup> to appraise the core domestic theory that the home became the setting for family life which in terms of activity and participation was physically and affectively separated out from other spheres.

Already obstinately familiar are the difficulties of establishing empirical realities and of reading in privacy motivations or consequences, without exaggerating either the novelty of changes or the spread, depth, and breadth of their social penetration. This is particularly the case /



case when abstractions like 'the house' and 'the family', (typifications which obscure the co-existence of variously situated households and families), are so frequently employed against a background of accelerating shifts from domestic to industrial production and from rural to urban living. Though hard to ascertain, the differential experiences of sub-populations need constant probing, as for example when assessing the ramifications of reorganized interior space and altered patterns of conduct. In the event it is difficult to establish accurate social gradations except at the extremes. For those who had the means, "space became specialized room by room",<sup>10</sup> prefixes were "added to 'room' to give precision",<sup>11</sup> doors became lockable,<sup>12</sup> and "the corridor which was a feature of all new houses in the eighteenth century and was progressively added to older buildings, made a major contribution to the rise of physical privacy".<sup>13</sup> For those who had the inclination there arose a "new code of manners" that "emphasized the need to respect the privacy of others"<sup>14</sup> and replaced "the old idea of etiquette"<sup>15</sup> which was "an art of living in public and together".<sup>16</sup> In trying to identify who was interested in privacy with realistic hopes of implementing it, Lawrence Stone's observation, which detailed studies confirm, is particularly pertinent: "living conditions were such that among the bulk of the population before the second half of the nineteenth century whole families lived /

lived, worked, ate and slept in one or two rooms".<sup>17</sup> John Burnett, for example, who is conscious of "the immense local variety"<sup>18</sup> and lack of standardization,<sup>19</sup> says that "the 'typical' English cottage of 1815 ... usually ... had only one ground-floor room, with perhaps a small 'out-shot' ... two small bedrooms above were probably the average; but very many had only one and three would be quite exceptional".<sup>20</sup> The first national inquiry into rural labourer's accommodation in 1864 found that 40% of the 5,375 cottages surveyed had only one bedroom and less than 5% had more than two.<sup>21</sup> The pressures of population growth, from around six to almost nine million during the eighteenth century and a near doubling within each of the nineteenth's half-centuries,<sup>22</sup> were acutely felt in towns. The two to one rural/urban ratio in 1801 was already inverted by 1871,<sup>23</sup> although "such statistics as are available leave some room for doubt as to whether rapid urbanisation involved, for the country as a whole, more or less overcrowding".<sup>24</sup> Michael Flinn is inclined to think that "increased crowding of those in the lower income groups" did result,<sup>25</sup> but again the situation was obviously not uniform. Burnett prefaces his nineteenth-century survey of the urban working-class "quality hierarchy", from cellar-dwellings, lodging-houses, tenemented houses, and back-to-backs up to the skilled artisan's 'through' terraced houses (which "internally ... could /



could provide substantially more space, privacy and segregation of functions"),<sup>26</sup> by warning of the difficulty in knowing "what the 'norm' was, or, indeed, whether the concept of a norm is useful where abnormality was so typical".<sup>27</sup> Enid Gauldie is convinced by her investigations spanning the years 1780 to 1918 that "for the greater part of our period ... and over most of the towns of Britain, working people lived in crowded squalor".<sup>28</sup>

Stone's conjecture that "under these conditions privacy was neither a practical possibility, nor one imagines even a theoretical aspiration"<sup>29</sup> does not appear too wide of the mark. Little enlightenment about attitudes can be had from the houses these people lived in, inasmuch as "the poor rarely have much direct opportunity to call the tune in architecture".<sup>30</sup> Olsen says that, unlike rural and some provincial town inhabitants, London's working-classes "lived for the most part in the discarded dwellings of their betters",<sup>31</sup> and emphasizes that the innovatory 'model houses' or 'improved dwellings' like other purpose-built accommodation reflected "in a distorted but unmistakable way" middle-class values.<sup>32</sup> It is interesting that professional practitioners writing in The Architect (1873), criticized designs for failing to divide living and sleeping rooms, or to build proper lobbies,<sup>33</sup> making "scant provision for the poor man's privacy",<sup>34</sup> and not "affording some reasonable privacy for the poor inmates, who perhaps appreciate it even more than their wealthier neighbours".<sup>35</sup> Likewise, /

Likewise, the reason behind Robert Kerr's advice to the gentleman in 1864 that however small his establishment, "the servant's department shall be separate ... so that what passes on either side of the boundary shall be both invisible and inaudible on the other" for "on both sides the privacy is highly valued".<sup>36</sup> You learn something of the privacy one class were prepared, theoretically at least, to afford inferiors, but nothing about the reactions of those concerned to the amenities offered or denied. Since "small men rarely left much documentation"<sup>37</sup> and like Masterman's "Multitude; that eighty per-cent who rarely become articulate ... can only be observed from outside and very far away",<sup>38</sup> the "reports of their desires prepared by others (whether philanthropists or bureaucrats)" are indeed liable to be "suspect".<sup>39</sup> Into this category, unfortunately, fall "some remarks to show that poverty is not always the reason why the poorer people like to get into cellars, but that having an outside door, and a complete domain of their own, is one of the causes".<sup>40</sup> They were contained in a letter from the head constable of Liverpool, cited in a Report of the Manchester Statistical Society on the Condition of the Working Classes in an Extensive Manufacturing District, read at the statistical section of the British Association at Liverpool in 1837, and referred to in the Minutes of Evidence taken before the Select Committee on the Health of Towns, 1840.

If the problem is approached from the other end,  
Stone /



Stone holds that in the eighteenth century "the housing of all classes down to that of yeoman and tradesman became more varied, more subdivided, and more specialized in function and thus afforded greater privacy".<sup>41</sup> Yet he also feels some hesitation - "the provision of such facilities however does not mean they were always used" - and like everyone else is left casting around for evidence that "farmers, shopkeepers, and artisans now wanted more privacy in the home".<sup>42</sup> The indeterminateness of what actually happened, when, and why, and the opaqueness of privacy linkages are all too apparent, whether in regard to Shorter's "lower middle classes ... aping the specialization of space"<sup>43</sup> or Gauldie's assertion that "an increased provision of cottages for rent was motivated first by the farmer's new wish for privacy in their lives".<sup>44</sup> A substantiating example, if located, only provides fragmentary insight, such as that given by John Arbuthnott in 1773<sup>45</sup> into the gradual breakdown of traditional co-residence patterns whereby labourers and apprentices moved out of their employers' houses while the servants stayed put. His calculations in "An Inquiry into the Connection between the Present Price of Provisions, and the Size of Farms" are all based on servants living with their masters and labourers separately with their own families, thus registering one small element in a temporally and otherwise hazy change-over.

Materials indicating the introduction of behavioural codes more conducive to privacy mostly relate to minority notions of 'good form'. Sitting on another's bed, for instance /

instance can only have become impolite among the people with beds and alternative seating. The example of no longer calling, from the eighteenth century onwards "on a friend or acquaintance at any time of day and without warning"<sup>46</sup> only applied to those whose homes were suitable venues for socializing and with the leisure for 'visiting' in any formalized sense. Moreover, "the rituals of introductions, cards, and calling ... in part established to give the parties time to accept or reject social interaction"<sup>47</sup> had no place in non-peer contacts, as Leonore Davidoff makes clear. "Servants and other functionaries were expected to be instantly available at any time they were wanted ... tradesmen to deliver goods at any time, anywhere", plus "any middle-class or upper-class person felt free to visit a working class home at any time, to walk in and at once become involved in the life of the family by asking questions, dispensing charity or giving orders. This might be tempered by personal kindness and considerateness... but the fact remains that there was an unquestioned right to act in this way".<sup>48</sup> The injunction to "be careful of the secrets of the family where you live; from whence hardly the most indifferent circumstances must be divulged ... for, beside the mischief it may occasion to him who confided in you, it must argue an extreme levity of mind to leak out to one man what was communicated to you by another".<sup>49</sup> voices values which Sir John Barnard wanted to instill in the subordinate apprentice. There is of course Elias' demonstration /



demonstration of "the tendency of the civilizing process to make all bodily functions more intimate, to enclose them in particular enclaves",<sup>50</sup> and occasional glimpses of practicalities, like Parson Woodforde in April 1780, "Busy in painting some boarding in my Wall Garden which was put up to prevent people in the Kitchen seeing those who had occasion to go to Jericho".<sup>51</sup> But the refinements of propriety, concrete expressions of "the invisible wall of affect which seems now to rise between one human body and another, repelling and separating"<sup>52</sup> do not feature prominently in accounts of the eighteenth and nineteenth century lives of large segments of the population.

In describing the spatial organization of people's homes and the behavioural adaptations that when they occurred do seem to have favoured privacy, the circumscribing class differences have only been touched on not reconstructed. This is also the case when it comes to a further set of supposed changes, namely, alterations "in family structure and household composition",<sup>53</sup> that ostensibly increased scope for privacy. The reason lies in the nature of the evidence and my deliberately taking a middle path between the tendencies either to universalize from the particulars thrown up by 'loaded' data whose bias is not allowed for, or to react as if privacy were solely a monopolized instrument in the hands of the dominant. The burrowing away required because "it is almost certainly true that the history of the rich family was not also that of /

of the poor",<sup>54</sup> is empirically checked by the fact that as Joan Thirsk writes too, "the silence of the family in history will always frustrate the historian".<sup>55</sup> It also seems to have proved easier, and perhaps received higher priority, to analyze family patterns over time than to examine the situation across society at intervals in time. There is some truth in Flandrin's lament that "the British historians have not indicated in which social sectors ... different types of family were to be found",<sup>56</sup> so taken up have they been with refuting what Laslett calls "the persistent prejudice in favour of supposing that the nuclear family was the product of industrialization".<sup>57</sup> While Laslett insists that "the conjugal or nuclear family was the standard form for the co-residential domestic group from the sixteenth century onwards",<sup>58</sup> Macfarlane is prepared to assert that "the English have roughly the same family system as they had in 1250".<sup>59</sup> Whatever the correct chronology, opinion is hardening that "the extended versus nuclear character of family structure cannot be used to support the hypothesized change of the family from a more public to a more private institution".<sup>60</sup> When Stone calls the process to be documented "the rise of the nuclear family", he carefully explains that this refers to its growth "as a social and psychological unit ... not as a unit of cohabitation".<sup>61</sup> When the coming to prominence of "the elementary society of man, wife and children"<sup>62</sup> is picked out or the family described as "the basic institution of privacy",<sup>63</sup> the root comparison invoked is Ariès' between "the /



"the 'promiscuity' or 'sociability'", of the pre-modern and "the 'intimacy' or 'isolation'" of the modern.<sup>64</sup> "Ties to the outside world were weakened and ties binding members to one another reinforced" writes Shorter as "the boundary line between the family and the surrounding community" moved. "A shield of privacy was erected" and no longer was "the family's shell pierced full of holes, permitting people from outside to flow freely through the household, observing and monitoring".<sup>65</sup> The temptation, of course, is to heighten the contrast with the teeming publicness of a time when "people lived on the street",<sup>66</sup> ignoring the continued satisfactions sought outwith the house especially in urban working-class landscapes, and underplaying the extent to which the "isolation and individualization of the family as a social and psychological entity"<sup>67</sup> was a slow and selective process.

The originally wide embrace of the 'family' is shown, at the linguistic level, in a clutch of seventeenth century examples. There are the London baker, his wife, three or four children, four journeymen, two apprentices and two maidservants whose typical weekly budget was submitted to the City in 1619-20 in support of an unsuccessful claim for an increase in the allowance made to bakers,<sup>68</sup> Pepys at the start of his diary living "in Axe Yard, having my wife, and servant Jane, and no more in family than us three",<sup>69</sup> and the "seven in family, thy Self, Wife, a Man, a Maid and Three Children" that Andrew Yarranton caters for in /

in his 1698 public granary scheme.<sup>70</sup> Thereafter, though by no means abruptly, there does appear to have been an evolution if not a revolution in the meaning and dynamic of the family,<sup>71</sup> affecting that "conflation of the two concepts of kinship and co-residence which" according to Flandrin "were still dissociated as late as the mid-eighteenth century".<sup>72</sup> Ariès and Sennett both draw attention to how "the family quite gradually became thought of as a special institution".<sup>73</sup> They select different turning points partly because as their book titles indicate a rise and a decline are the respective themes. For Ariès, having traced the concept of the family from the fifteenth century, through the "new emotional relationship" of the sixteenth and seventeenth centuries, the eighteenth is the culmination of "the new progress of domesticity".<sup>74</sup> The same century, which Sennett agrees, saw "the discovery of the family as a special institution and a social setting alternative to the street"<sup>75</sup> is to him only a prelude since "before the nineteenth century ...the private and the individual were not yet wedded".<sup>77</sup> Ariès glances forward because "the moral ascendancy of the family was originally a middle-class phenomenon" so that from the eighteenth century onwards it "spread to all classes and imposed itself tyrannically on people's consciences".<sup>78</sup> For Sennett the nineteenth century is the critical one since during it "the family came to appear less and less the center of an unpublic realm, more an idealized refuge, a world of its own with a higher moral value".<sup>79</sup> The scenarios are sufficiently compatible to project /



project a picture of changes in what 'the family' signified accelerating in the eighteenth and being reinforced in the nineteenth centuries.

Following this up within the British context, Stone provides a three-stage model, which incorporates growth in the affective bonding of the conjugal family and in privacy. Up to the sixteenth century he has the Open Lineage Family ("kin-oriented family of the Middle Ages") so permeable to outside influences that 'privacy was neither possible nor desired', succeeded by the growing 'boundary awareness' of the Restricted Patriarchal Nuclear Family ("more nuclear family of the sixteenth century") from about 1530 until 1700, after which "the house itself, became more private" and the Closed Domesticated Nuclear Family ("companionate nuclear family of the eighteenth century") predominated, being "well established by 1750 in the key middle and upper sectors of English society".<sup>80</sup> Stone's version of events is, to use his own words, "over-simplified and over-schematized"<sup>81</sup> and the logic of his admission that "the three overlapping models co-existed, each slowly but imperfectly replacing the other",<sup>82</sup> is to extend the beginning and end points. It may be that "the most striking change in the life-style of the upper classes in the seventeenth and eighteenth centuries was the increasing stress laid upon personal privacy".<sup>83</sup> But it is questionable whether "from the middle ages to the sixteenth century - in the great household - everyone, all the time, was /

was on public display"<sup>84</sup> and the withdrawal that he says the master and mistress of the household then staged was not, to judge from Langland, altogether novel.<sup>85</sup> Similarly, if you look at the composition of households after 1750, in terms of size and personnel, it seems that even among the upper strata the closed domestic family and privacy had some way to go. While "household size remained fairly constant at 4.75 or a little under, from the earliest point for which we have figures, until as late as 1901",<sup>86</sup> the mean figure like any "single multiplier of this kind" averages out a range of differences and instabilities".<sup>87</sup> For instance, "a very high proportion of people actually lived in large families although the average size was small".<sup>88</sup> Laslett gives the following table of 'Households by size and persons in households of various sizes'.<sup>89</sup>

100 Communities 1574-1821

<u>Sizes</u>	<u>% Households</u>	<u>% Persons</u>
1 - 3	36.3	17.5
4 - 5	30.5	30.5
6 +	33.2	53.0

A slight reworking of Richard Wall's figures (based on smaller samples over a shorter period, split into two sections in order to get at percentage change) confirms the basic point,<sup>90</sup> which Burnett takes up in relation to the nineteenth century.<sup>91</sup>

I will not rely very heavily on demographic patterns, partly because on the rare occasions when the issue of their relationship to privacy arises in the literature, it /



it is dealt with more by innuendo than by forging any direct links. Moreover the numbers themselves are arrived at with such difficulty and manipulated so readily. The earlier data "are very imperfect ... the facts are complicated, difficult to marshal and to describe"<sup>92</sup> and though the advent of the census helps "we know all too little about the family structure of nineteenth century England, still less about variations in that structure between different social classes".<sup>93</sup> Yet, "to abandon the scraps of quantitative insight into the past merely on the grounds of general suspicion would be as foolish as to regard them as wholly accurate".<sup>94</sup> The idea, for example, that progressively fewer children and kin around in the household increased opportunities for privacy, can be confidently shunted into the twentieth century by noting when a numerical decline set in. It was not until after 1870, when 43% of all marriages had between five and nine live births and another 18% ten or more,<sup>95</sup> that "birth control was becoming more widely available" and "the various indicators, birth rate, marital and non-marital fertility, gross reproduction rate, etc. show falling fertility".<sup>96</sup> Ariès' remark about birth control appearing "just when the family had raised the wall of private life",<sup>97</sup> only carries weight if his own temporal framework is extended. Flandrin's observation that "poor households contain fewer children than the rich ones"<sup>98</sup> has to be set against the relative sizes of available living space. Along /

Along with physical accommodation, other factors like morbidity, the age spread of sibling groups and how long children remained at home, would have affected, in a largely indeterminable and probably ungeneralizable way, the impact of the presence of children on parental privacy. A further influence, the structuring of intergenerational relationships, would also have been felt in regard to resident kin, who though only present in a minority of households actually became more prevalent in mid-nineteenth century households. Wall's figures for the proportion of households with kin are:-<sup>99</sup>

<u>1650-1749</u>	<u>1750-1821</u>	<u>1851</u>	<u>1871</u>
10.3%	12.9%	20.8%	19.0%
(23 settlements)	(18 settlements)	(20 settlements)	(20 settlements)

Although he has earlier cautioned about the range of variation between settlements, this rise apparently "transcends economic boundaries, rural communities ... and urban ones",<sup>100</sup> and is certainly a move in the opposite direction from that sometimes implied.

As for non-kin residents, their reduction proceeded at a sufficiently slow rate for Berkner to suggest in a survey of recent research that the "large numbers of servants and boarders in nineteenth century households raises some questions about the supposed decline of the large household and the drawing together of the nuclear family".<sup>101</sup> There is a wistful tinge to the statement made in the General Report of the 1851 Census, that "the English family in its /



its essential type is composed of husband, wife, children and servants, or less perfectly, but more commonly, husband, wife and children".<sup>102</sup> It is not until 1880 that Theresa McBride sees "the middle-class turning inwards" so that in conjunction with economic pressures, "the inclination to employ a live-in maid was lessening".<sup>103</sup> In fact the proportion of servants in the population rose between these dates, not dipping below the 1831 figure until 1881, and did not fall sharply away until after the first World War.<sup>104</sup> Over the longer term there was a linear-looking decline, and with the proportion of servants in the population dropping more than the proportion of households with servants, numbers per household will have been reduced.<sup>105</sup> Part of the reduction is attributable to the "removal of apprentices and unmarried wage labourers ... from the households of their masters"<sup>106</sup> and in the rural areas, farm workers. A breakdown by relationship to household head does show fewer lodgers too,<sup>107</sup> though what it mainly brings out is the modest nature of changes in all categories, at least when averages are calculated across selected settlements.

Household Members by Relationship to Household Head: England<sup>108</sup>

Relationship to household head	Proportion of total membership of household plus attached lodgers			
	1650-1749 (%)	1750-1821 (%)	Rural (%)	1851 Urban (%)
Head	22.5	20.8	21.2	22.4
Spouse	14.3	15.6	15.2	14.3
Offspring	39.9	43.4	44.4	42.8
Relatives	3.6	4.6	7.1	6.1
Servants	13.8	10.7	7.1	3.1
Attached lodgers	5.8	4.9	5.0	11.2
Total	99.9	100.0	100.0	99.9
N (population)	3,850	9,133	11,630	8,734

Thus the argument that diminutions "in the 'audience' of family behavior"<sup>109</sup> were simply a result of "the family itself" being "no longer submerged by numbers of servants and apprentices",<sup>110</sup> is rather weak. There were plenty of households occupied solely by the nuclear family or augmented on a very small scale, whose constitution did not alter dramatically in either direction. The most substantial households may have been an exception, but even then and certainly in more modest environments the internal ordering of the household, especially the distancing of employees, plus the external resiting of activities and houses themselves, were of equal, if not greater importance for privacy.

The design features of prosperous establishments and interaction patterns where servants were present indicate that, within these restricted social contexts at least, privacy was actively pursued if not always attained. John Summerson shows in his study of Georgian London that, while the houses Adam designed between 1763 and 1793 "were not built for domestic but for public life - a life of continuous entertaining in drawing rooms and ante-rooms and eating-rooms ... behind the parade he plans for the dignified, easy privacy of lord and lady, with study, dressing-rooms, closets and bedchambers".<sup>111</sup> Besides "the public rooms for mass entertaining" and the "family rooms" there were "the servants quarters with their own access staircases, and the nursery area for the children".<sup>112</sup> Illustrating how "domestic life was to be controlled and regulated through /



through categorization and segregation, Burnett refers to the "innumerable doors, passages, hallways and vestibules designed to isolate family from servants, guests from tradesmen, males from females".<sup>113</sup> The rate at which this kind of layout became standard and the lengths to which the "split into the four basic subdivisions"<sup>114</sup> was taken obviously varied, often falling short of the country houses' elaborate "compartmentalization of classes and functions ... typical of the high Victorian age".<sup>115</sup> Robert Kerr, who puts privacy at the head of a list of twelve "fastidious characteristics ... that form the test of a Gentleman's House",<sup>116</sup> admits that "in dwellings of inferior class, such as Farmhouses and the Houses of tradesmen, the separation is not so distinct".<sup>117</sup> Yet even the manuals of architects not prepared to accord privacy top priority, give it as a reason for adopting suggested arrangements - in J.J. Stevenson's case, from the plan to "give isolation to the several parts" ("with us from our love of seclusion and restraint, each room must be isolated")<sup>118</sup> down to the ambience created by fixtures and fittings ("glass doors or borrowed lights in a sitting room or bedroom destroy their privacy and produce a sense of discomfort").<sup>119</sup> Signs that "a new desire to keep the servants at a distance and defend oneself against intruders"<sup>120</sup> was gaining ground in the eighteenth century before coming to fruition in Victorian times, are found in the burden of "the chorus of complaints raised against domestics"<sup>121</sup> and the introduction of mundane /

mundane screening devices. The "mixing of domestic service with work and the family" that "represented anathema to later generations" could still happen.<sup>122</sup> Samuel Garbett, a late eighteenth century Birmingham merchant, relied on his apprentice to wait at table when he was entertaining, and the same apprentice later married the maid who was his wife's cousin and was eventually taken in as a partner".<sup>123</sup> Sennett may be right that "in the eighteenth century ... people spoke with great freedom in front of and to their servants".<sup>124</sup> But "first protests against the invasion of privacy caused by servants"<sup>125</sup> were being voiced by writers such as Defoe and Johnson. In Every-Body's Business is No-Body's Business, the pseudonymous Andrew Moreton complains how "you are ... always at the Mercy of every new Comer to divulge your Family Affairs, to inspect your private Life, and treasure up the Sayings of yourself and Friends. A very great Confinement, and much complain'd of in most Families".<sup>126</sup> Samuel Johnson too feels threatened by servants who:

"(They) first invade your table, then your breast;  
Explore your secrets with insidious art,  
Watch the weak hour and ransack all the heart;  
Then soon your ill-plac'd confidence repay".<sup>127</sup>

By 1832 Mrs. Trollope is surprised to find the Americans whose domestic manners she is investigating, not reacting as she would have done to "the close personal attendance of the sable shadows, (a little negress, who is constantly seen following her mistress's steps). It seemed to me ... that ... must be very annoying; but whenever I mentioned it /



it, I was assured that no such feeling existed".<sup>128</sup> The dumb-waiter, "an English invention" that first "appears in accounts and advertisements in George I's reign" and was "still in fashion during the reign of Victoria", was used at mealtimes "from motives of economy or discretion ... to dispense with a servant waiting".<sup>129</sup> Mary Hamilton writes in January 1785 that "At dinner we had ye comfortable dumb waiters, so our conversation was not obliged to be disagreeably guarded by ye attendance of Servants".<sup>130</sup> Another "contrivance"<sup>131</sup> that allowed the family "to be shielded from surveillance by the servants"<sup>132</sup> was the bell system which "began to appear in the 1760's and 1770's" marking "a considerable advance in sophistication from the bell which Pepys had hung outside his bedchamber door in 1663".<sup>133</sup> "In the next few decades the technique was improved by the introduction of wires and cranks until it became possible to wire up the whole house".<sup>134</sup>

The physical segmentation and protective mechanisms, especially when vigorously implemented, no doubt brought an increased sense of privacy for family members. Yet there was inevitably a trade-off between privacy and the desire to have subordinates always available to perform service functions. The "living at the residence of the master" which so severely "curtails, both factually and symbolically, servant's privacy and freedom of movement"<sup>135</sup> has a reduced but not altogether dissimilar reciprocal effect. The dilemma is mirrored in disputes among house planners about how /

how separate servants quarters should be. Stevens, who is in agreement that "the English idea of domestic comfort depended very much upon privacy", draws back from Kerr's call for "the complete separation of the family from the servants"<sup>136</sup> and warns that "there must be communication between all the several parts of the house under one roof shelter. It must be one house, not several".<sup>137</sup> He is apparently worried about the implications of conceding Kerr's status-ridden yet to a limited extent potentially liberating idea, that "the family constitute one community; the servants another ... each class is entitled to shut its door upon the other and be alone".<sup>138</sup> If "the family as one class demanded and were entitled to their own privacy, and the servants as another class demanded and were entitled to theirs"<sup>139</sup> this should not be interpreted too literally and certainly not even-handedly. "The two distinct and quite separate classes under one roof" which "the Victorian house was designed to accomodate" were "two worlds divided by a door, white paint and crystal knob on one side, green baize and gunmetal knob on the other"<sup>140</sup> plus all the inequalities this denoted. While servants' lives might have become slightly more "separate from those of their employers",<sup>141</sup> "in the cramped and spartan conditions" Pamela Horn describes, "relations between the servants could become strained. There was no way they could escape from one another's company".<sup>142</sup> The suspicion is that 'above stairs' the inhibiting effects of servants on the premises continued /



continued to be felt, judging by the instructions that kept on going out to servants about how they should behave so as not to, for instance, "seem in any way to notice or enter into the family conversation".<sup>143</sup> Jill Franklin talks about the importance of servants not destroying "the family's illusion of privacy, even though everyone knew they were there and that it was impossible to keep secrets from them",<sup>144</sup> and indeed it looks like considerable role-playing was required of servants to bridge the gap between reality and what their superiors would that it were. It has been suggested that for employees in the "ever-extending avenues of one-maid homes"<sup>145</sup> (by 1871 the proportion of sole servants in the households had risen to 63.5% and become 92.6% female),<sup>146</sup> the problem was not so much privacy as "feelings of loneliness and isolation".<sup>147</sup>

At the same time as these internal changes were taking place enhancing some families' sense of privacy, the house itself was emerging as a special setting, though once again by no means for everyone. The very idea of the house, as to use nineteenth century language, "a delicious retreat"<sup>148</sup> throwing "a sharp well-defined circle round family and hearth"<sup>149</sup> and ensuring inmate privacy, was incubating from the eighteenth century onwards. It surfaces, for instance, in Alexander Pope's description of the door as "the Wooden Guardian of our Privacy"<sup>150</sup> and instruction of his servant to:

"Shut, shut the door, good John! fatigued I said  
Tye up the knocker, say I'm sick I'm dead".<sup>151</sup>

Francis /

Francis Hart detects in Jane Austen "a formative concern with the realization of personal and domestic space"<sup>152</sup> and a belief that "among the growing pressures of public society, privacy is to be secured only in the comfortable intimate groups she delights in and envisions in the novels".<sup>153</sup> Emerson is struck, on his visits in 1833 and 1847; by the rigid home-centredness<sup>154</sup> of the English. "Nothing so much marks their manners as the concentration on their household ties ... Domesticity is the taproot ... the motive ... is to guard the independence and privacy of their homes".<sup>155</sup> The notion of the house as a haven whose threshold should not be crossed by, in Ruskin's words "the inconsistently-minded, unknown, unloved or hostile society of the outer world"<sup>156</sup> displayed itself in unmistakable ways. "High stone fences and padlocked garden-gates announce the absolute will of the owner to be alone" says Emerson,<sup>157</sup> and in Nottingham lace-weavers' houses "white dimity curtains, duly fringed, clothed the window" and a "muslin blind forbade the inspection of impertinent neighbours".<sup>158</sup> The "conception of the home as a place apart"<sup>159</sup> was abetted by large-scale shifts in the means and methods of production leading to a transfer of functions from all-purpose households into other locations that grew more specialized as the institutional infrastructure developed. That is to say, more people among an occupationally re-deployed and increasingly urbanized labour force went out from their houses to work and returned home with at least some /



some free time at their disposal. There was both "a gradual divorce of the home from the workplace"<sup>160</sup> and "a new division of time between the work-day and one's own time".<sup>161</sup> The "separation of the living habitats of the rich"<sup>162</sup> came, according to Braudel, in the eighteenth century and as other sectors slowly followed suit, they also benefitted, in terms of new possibilities for privacy, from a clearer demarcation of potential periods of legitimate social inaccessability.<sup>163</sup> The impact of this on apprentices and other workers no longer resident in their masters' houses, has already been indirectly alluded to. It applies equally, if not more forcefully to the burgeoning middle-classes with their greater material resources to exploit a fragmentation of activities and audiences that seems to have been so suited to their inclinations.

This tendency, among the middle classes at any rate, for "the values of privacy and the values of home" to become "closely interwoven"<sup>164</sup> was expressed in the trend towards more segregated residential patterns in general, and "the 'flight to the suburbs'"<sup>165</sup> in particular. Ariès describes the process as secession "from the vast polymorphous society, to organize ... separately in a homogeneous environment ... in homes designed for privacy, in new districts kept free from all lower class contamination".<sup>166</sup> Donald Olsen sketches in the form and sequence this took within the metropolis. "The nineteenth century saw the systematic sorting-out of London into single-purpose, homogeneous, specialized neighborhoods. The process dates from the seventeenth /

seventeenth century ... But by later standards the degree of social and functional differentiation was at best moderate. Even the new districts of the eighteenth century had within them wide variations in population ... and ... each was to a certain extent a self-contained, balanced little town. All this changed in the nineteenth century. Particularly after 1830 ...".<sup>167</sup> Burnett points out that "the origins of the suburb were certainly pre-Victorian and probably pre-nineteenth century" inasmuch as "the English town grew by gradual accretion of new areas on its fringes which eventually became absorbed as integral parts of the town, and migration of the wealthier classes outwards from the crowded city centres had for long been part of this process".<sup>168</sup> The new element was the advent of the single-class villa suburb ideal, "heralded ... in the Eyre Estate in St. John's Wood"<sup>169</sup> which was "the first suburb to abandon terraces for semi-detached villas"<sup>170</sup> and became the model "through much mutation and debasement of virtually all suburban houses".<sup>171</sup> If the 'push' to this expansion was the ever increasing size of urban populations, the 'pull' was that "agreeable privacy" found in St. John's Wood,<sup>172</sup> which developers and residents sought to replicate elsewhere. Thompson argues that whereas "middle-class numbers" might be "a sufficient explanation for the provincial case without drawing on any analysis of middle-class ideology or taste", this is not true of the capital where there was a switch from one type of preferred housing type to /



to another. While "eighteenth century upper-middle class Londoners wanted their suburban settlements to be reiterations of town housing in town formations ... their early nineteenth descendents" wanted "something entirely different".<sup>173</sup> In Burnett's opinion "no precise data can be given to the rejection of the terrace in favour of the detached or semi-detached villa as "it varied locally and, no doubt, was determined largely by land availability".<sup>174</sup> Thompson allows that "terraces were still being built in new middle-class suburbs well into the 1860's"<sup>175</sup> but maintains that they were falling out of favour from the 1820's because of the superior merits and convenience of detached and semi-detached houses for privacy".<sup>176</sup> The importance of privacy received 'official' recognition in the declaration of the 1851 Census General Report that "the possession of an entire house is, it is true, strongly desired by every Englishman"<sup>177</sup> and approvingly quotes remarks made by "a German naturalist, the physician of the King of Saxony", about "English dwelling houses" standing "in close connection with that long-cherished principle of separation and retirement, lying at the very foundation of the English character".<sup>178</sup> An article in the Building News (1874), believing that "the absence of privacy and security from a besieging fortress of a thousand eyes render the boast of an Englishman's home only a name", recommended placing "the doorways of adjacent houses ... as far apart as possible" so as to "add to the privacy of the row" and improve the "separation between /

between two houses".<sup>179</sup> Although "the great age of suburban development was ... post-1850",<sup>180</sup> it has been estimated that by 1855 about 41,000 people were commuting daily into London.<sup>181</sup> "The artisan suburb was just beginning",<sup>182</sup> but only took off in the 1880's with improvements in mass transportation networks (especially trams) and relative cost reductions (particularly the workman's ticket). Then, say Dyos and Aldcroft, "the social transformation of the suburbs that had been going on since the middle of the eighteenth century, when the middle classes had begun to filter into them ... accelerated quite dramatically" driving "the middle classes still further afield".<sup>183</sup> If, as it seems, the Victorians were intent on achieving "certain specific values, notably privacy for the individual and the family"<sup>184</sup> or more accurately "privacy for the middle-classes, publicity for the working classes, and segregation for both",<sup>185</sup> then they came close to achieving their goal, though not completely. "The isolation of the poor" (and the not so poor in "model dwelling and homogeneous districts of cottage housing")<sup>186</sup> was indeed "a corollary of the rise of the middle class suburb,"<sup>187</sup> which in turn gave "a high degree of single-class exclusiveness"<sup>188</sup> that peaked "in the unadopted estate with a gate and keeper at points of access".<sup>189</sup> Nevertheless, suburban life did in time become accessible to others, plus "the physical separation of the /



the classes in provincial towns was much less distant".<sup>190</sup> and anyway "the process of establishing a suburban community and the imperatives of building development produced some degree of social mixture".<sup>191</sup> In Thompson's phrase "the nineteenth-century suburban dream was a middle-class dream; the nineteenth century reality was a social patchwork".<sup>192</sup>

It is reasonable to suppose that to the extent people were affected by the gradual changes outlined above (the separations encouraged by physical layouts and behavioural conventions, the redefinition of the family and the home, the relocation of housing, and more tentatively the contraction of the household) this reflected positive valuations of privacy and/or increased opportunities for privacy. The question of whether privacy was principally catalyst or beneficiary remains completely open and almost as intractable is the problem of just who was affected when. There is a strong reliance in the literature "on the theory of 'cultural diffusion' from the elite to the general population",<sup>193</sup> with the 'middle-class-in-the-vanguard' version perhaps superficially more attractive than the straightforwardly linear model. Edward Shils' practical cut-off point for his 'golden age' is the "unskilled working classes" who with many persons sharing one room and many families sharing common facilities had "little opportunity for individual or familial privacy".<sup>194</sup> Girouard suggests that in the option-rich spaciousness of the country house, "separation between family and servants certainly grew steadily, but privacy on the family side of the /

the baize door had to be reconciled with growing sociability".<sup>195</sup> The main problem is the lack of detail about the transmission process itself, though this may be prudent given the uncertainties about even the most visible and vocal elements. Whether attitudes or opportunities are being discussed, observations cluster at the vaguer end of a range in particularity<sup>196</sup> not much wider than that between Shorter's "the idea of privacy descended from higher to lower classes"<sup>197</sup> and Mumford's "privacy was the luxury of the well-to-do; only gradually did the servants and the shopkeepers' assistants and the industrial workers have a trace of it".<sup>198</sup> Ariès, who emphasizes that upper-class as well as lower-class life styles became conducive to privacy more slowly than those of the middle classes, is again imparting a shape that snippets might fit rather than elaborating a timetable.<sup>199</sup> In ascertaining the class dimensions of the privacy "urge and characteristic",<sup>200</sup> a lot is left to not very educated guesswork about varied and shifting situations. Certain population sectors were patently better placed than others to modify environments and pattern interactions in accord with such privacy desires as they had and how high a priority they were. By the same token the fewer the resources for implementing privacy could be described as "integral to the prevailing moral outlook".<sup>201</sup> It does seem however that privacy was impinging incrementally on the lives of a widening social band and that, perhaps spearheaded by the middle classes, the British were increasingly relishing and realizing the domestic "habit of privacy and reserve".<sup>202</sup>



1. Francis R. Hart, "The Spaces of Privacy: Jane Austen", Nineteenth-Century Fiction, 30, December 1975, 305-333, p. 306-7.
2. Philippe Ariès, Centuries of Childhood, 1962, p. 398.
3. Derek H. Willard, "Privacy as Communication: A Conceptual Approach for Law and Social Science", unpubl. Ph.D. Thesis University of Iowa, 1975, p. 91.
4. Colin Mellors, "Governments and the Individual - Their Secrecy and His Privacy", in Privacy, ed. John B. Young, 1978, 87-112, p. 92.
5. Edward A. Shils, "Privacy: Its Constitution and Vicissitudes", Law and Contemporary Problems, 31, Spring 1966, 281-306, p. 289.
6. Arthur S. Miller, "Privacy in the Corporate State: A Constitutional Value of Dwindling Significance", Journal of Public Law, 22, no. 1, 1973, 3-35.
7. Edward A. Shils, "Privacy and Power", Computer Privacy, Committee Hearings, 1968, 231-247, p. 235.
8. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 254.
9. Philippe Ariès, Centuries of Childhood, 1962, p. 400.
10. Lewis Mumford, "The Beginnings of Privacy", Saturday Review of Literature, 17, March 19, 1938, p. 6.
11. Philippe Ariès, Centuries of Childhood, 1962, p. 399.
12. Ian Watt, The Rise of the Novel, 1963, p. 195, "locks on doors - still a great rarity in the sixteenth century - became one of the modernizations on which the genteel insisted, as Pamela does when she and Mr B. are preparing a house for her parents" (Pamela, Pt. II, p. 2).
13. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 395. See also Lewis Mumford, The Culture of Cities, 1938, p. 115, "the need for privacy produced this special organ for public circulation".
14. Philippe Ariès, Centuries of Childhood, 1962, p. 399.
15. Ibid., p. 414.
16. Ibid., p. 399.
17. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 605.

18. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 33. For illustrations of his point (p. 32) that "because much of the stock was inherited, the quality of cottage accommodation which came down to the early nineteenth century was almost infinitely varied", see p. 32-34.
19. See Eric Mercer, English Vernacular Houses, 1975, p. 77, "The country-wide uniformity in housing which had been achieved by the great landowners before the middle of the seventeenth century, and by substantial farmers by the middle of the eighteenth century, was still far from established among the labouring rural population even by the middle of the nineteenth century".
20. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 34.
21. John Burnett, A Social History of Housing, 1815-1970, 1980, makes two separate references (p. 43-44, footnote 37 p. 319: Seventh Report of the Medical Officer of the Committee of Council on the State of the Public Health (1864), Appendix Vi. Report by Dr. Hunter on Rural Housing; and p. 125-126, footnote 13 p. 326: Seventh Report of the Medical Officer of the Privy Council, 1865, Vol. 26, App. 6, Inquiry on the State of the Dwellings of Rural Labourers, by Dr. H.J. Hunter) to an inquiry into rural houses carried out by Dr. Hunter under official auspices. Judging by the correspondence between the data cited it looks like the same material was presented in different reports, or just possibly the citations are to different forms of the same report. Whichever is the case, the figures for the 5, 375 cottages surveyed in detail are as follows:-

2,195	(40.8%)	cottages had 1 bedroom
2,930	(54.5%)	cottages had 2 bedrooms
250	( 4.7%)	cottages had 3 or more bedrooms.

But, as Burnett warns (p. 43-44) "the statistics need to be seen in relation to size of rooms ... A bedroom 10' by 10' with a 7' ceiling accommodated on average four or five people. Many 'bedrooms' must have been mere cubby-holes".

22. For 'Estimates of Eighteenth-Century Population' see, B.R. Mitchell with Phyllis Deane, Abstract of British Historical Statistics, 1962, p. 5. For 'United Kingdom Population and Intercensal Increases, 1801-1966' see B.R. Mitchell and H.G. Jones, Second Abstract of British Historical Statistics, 1971, p. 3, from which the following truncated table is taken:-



22. Contd.

Total Population (000's)

1801	8,893	1861	20,066
1811	10,164	1871	22,712
1821	12,000	1881	25,974
1831	13,897	1891	29,003
1841	15,914	1901	32,525
1851	17,928		

23. For urban population growth see C.M. Law, "The Growth of Urban Population in England and Wales, 1801-1911", Institute of British Geographers Transactions, 41, June 1967, 125-143, p. 130, Table V, reproduced below:-

The Growth of Urban Population in England and Wales, 1801-1911

	Total	Urban Population	Per cent of Total	Residue	Per cent of Total
1801	8,829,536	3,009,260	33.8	5,883,276	66.2
1811	10,164,256	3,722,025	36.6	6,442,231	63.4
1821	12,000,236	4,804,534	40.0	7,195,702	60.0
1831	13,896,797	6,153,230	44.3	7,743,567	55.7
1841	15,914,148	7,693,126	48.3	8,221,022	52.7
1851	17,927,609	9,687,927	54.0	8,239,682	46.0
1861	20,066,224	11,784,056	58.7	8,282,168	41.3
1871	22,712,266	14,802,100	65.2	7,910,166	34.8
1881	25,924,434	18,180,117	70.0	7,794,322	30.0
1891	29,002,525	21,601,012	74.5	7,401,513	25.5
1901	32,527,843	25,371,849	78.0	7,155,994	22.0
1911	36,070,492	28,467,595	78.9	7,603,097	21.0

Source: Recalculated from the census reports by the author.

24. Michael W. Flinn, "Introduction", to Edwin Chadwick, Report on the Sanitary Conditions of the Labouring Population of Great Britain, 1842, 1965, 1-73, p. 4.
25. Ibid., p. 5.
26. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 77.
27. Ibid., p. 54.
28. Enid Gauldie, Cruel Habitations, A History of Working-Class Housing, 1780-1918, 1974, p. 101.

29. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 255.
30. Henry-Russell Hitchcock, Early Victorian Architecture in Britain (London: The Architectural Press), 1954, vol. 1, p. 13.
31. Donald J. Olsen, The Growth of Victorian London, 1976, p. 268.
32. Ibid., p. 267-268.
33. "'London Revisited' by a Country Architect", The Architect, 10, July 12, 1873, 14-15, p. 15.
34. An Unbeneficed District Surveyor, "Middle-Class Londoners' Homes", The Architect, 10, October 4, 1873, 170-171, p. 171.
35. "'London Revisited' by a Country Architect", The Architect, 10, July 26, 1873, 41-42, p. 42.
36. Robert Kerr, The Gentleman's House, 1864, 74-75.
37. Leonore Davidoff and Catherine Hall, "The Petite-Bourgeoisie and the Sexual Division of Labour in England, 1780-1850; Countryside and Town", Mimeo, December 1981, p. 24.
38. Charles F.G. Masterman, The Condition of England, 1909, reset ed. J.T. Boulton (London: Methuen), 1960, p. 77.
39. Henry-Russell Hitchcock, Early Victorian Architecture in Britain, 1954, vol. 1, p. 13.
40. Examination of Richard Cobden, Minutes of Evidence taken before the Select Committee on the Health of Towns, 1840, 106-108, p. 108.
41. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 254-255.
42. Ibid., p. 255.
43. Edward Shorter, The Making of the Modern Family, 1975, p. 43, "by the early nineteenth century the lower middle classes were aping the specialization of space".
44. Enid Gauldie, "Country Homes", in The Victorian Countryside, ed. Gordon E. Mingay, 1981, vol. 2, 531-541, p. 534.
45. John Arbuthnott, An Inquiry into the Connection between the Present Price of Provisions, and the Size of Farms (London: T. Cadell), 1773, p. 26-27.



46. Philippe Ariès, Centuries of Childhood, 1962, p. 399.
47. Leonore Davidoff, The Best Circles, 1973, p. 46.
48. Ibid.
49. John Barnard, A Present for an Apprentice: Or, a Sure Guide to Gain both Esteem and Estate, with Rules for his Conduct to his Master, and in the World. By a late Lord Mayor of London (Glasgow: John Gilmour), 1750, 25-26.
50. Norbert Elias, The Civilizing Process, 1978, p. 189.
51. James Woodforde, Diary of a Country Parson, 1758-1781, ed. John Beresford (London: Oxford University Press), 1924, p. 28. Entry in Diary, April 26, 1780.
52. Norbert Elias, The Civilizing Process, 1978, p. 69.
53. Barbara Laslett, "The Family as a Public and Private Institution: An Historical Perspective", Journal of Marriage and the Family, 35, August 1973, 480-492, p. 483.
54. Joan Thirsk, "The Family", Past and Present, 27, April 1964, 116-122, p. 121.
55. Ibid., p. 117.
56. Jean-Louis Flandrin, Families in Former Times, 1977, p. 69.
57. Peter Laslett, "The Comparative History of Household and Family", Journal of Social History, 4, Fall 1970, 75-87, p. 76.
58. Ibid.
59. Alan Macfarlane, The Origins of English Individualism, 1978, p. 240.
60. Barbara Laslett, "The Family as a Public and Private Institution: An Historical Perspective", Journal of Marriage and the Family, 35, August 1973, 480-492, p. 483.
61. Lawrence Stone, "The Rise of the Nuclear Family in Early Modern England: The Patriarchal Stage", in The Family in History, ed. Charles E. Rosenberg, 1975, 13-57, p. 25 and p. 24.
62. Peter Laslett, "The Comparative History of Household and Family", Journal of Social History, 4, Fall 1970, 75-87, p. 76.
63. Richard Sennett, The Fall of Public Man, 1976, p. 91.

64. "Since Ariès historians have contrasted the pre-modern with the modern family in terms of the 'promiscuity' or 'sociability' of the former and the 'intimacy' or 'isolation' of the latter". Nancy F. Cott, "Eighteenth-Century Family and Social Life Revealed in Massachusetts Divorce Records", Journal of Social History, 10, Fall 1976, 20-43, p. 21.
65. Edward Shorter, The Making of the Modern Family, 1975, p. 5.
66. "The boundaries of the pre-modern family were permeable: people lived in the street", Nancy Cott, "Eighteenth-Century Family and Social Life Revealed in Massachusetts Divorce Records", Journal of Social History, 10, Fall 1976, 20-43, p. 21.
67. Ivy Pinchbeck and Margaret Hewitt, Children in English Society, vol. 1, 1969, p. 306.
68. Sylvia Thrupp, A Short History of the Worshipful Company of Bakers of London, 1933, p. 17 sets out this budget of expenses. Cited by Peter Laslett, The World We Have Lost, 1965, p. 1 who says (p. 2) that "the only word used at that time to describe such a group of people was 'family'. Cited also by Fernand Braudel, Capitalism and Material Life, 1400-1800, 1974, p. 202.
69. The Diary of Samuel Pepys, ed. Henry B. Wheatley, 1924, vol. 1, pp. 1-2, Entry for January 1959-60.
70. Andrew Yarranton, England's Improvement by Sea and Land, 1677, vol. 1, p. 171, "this Corn and Malt shall serve thee Three Years, being Seven in Family, thy Self, Wife, a Man, a Maid and Three Children". The reference comes from Ann Kassmaul, Servants in Husbandry in Early Modern England, 1981, p. 7. She gives two further examples to show that "early modern English had no word whose meaning was 'only kin', or 'all in the household except the servants'. 'Family' included them all". Richard Mayo, A Present for Servants ... Especially in Country Parishes, 1693, p. 3, wrote of "the 'middling kind' of servant making up a part of every family". The John Arbuthnott reference, already used in a slightly different context (see footnote no. 45), is from 1773 and might be taken to bear out Flandrin's contention (see footnote no. 72).



71. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 4 talks about "stages in family evolution", and Edward Shorter, The Making of the Modern Family, 1977, p. 44 of "the revolution in domesticity". "Over a period of several centuries, the family gradually came" in Christopher Lasch's words (The World of Nations (New York: Knopf) 1973, p.37) "to be seen as preeminently a private place, a sanctuary from the rough world outside".
72. Jean-Louis Flandrin, Families in Former Times, 1979, p. 8, "One has to wait until the nineteenth century for the concepts of co-residence and of close kinship to be united in concise formulas".
73. Richard Sennett, The Fall of Public Man, 1976, p. 91.
74. Philippe Ariès, Centuries of Childhood, 1962, p. 398.
75. Richard Sennett, The Fall of Public Man, 1976, p. 91.
76. Ibid., 91.
77. Philippe Ariès, Centuries of Childhood, 1962, p. 413-414.
78. Ibid., p. 406.
79. Richard Sennett, The Fall of Public Man, 1976, p. 20.
80. The descriptions in inverted commas of the stages in family evolution are taken from Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 4-8. The quotes in parentheses giving differently phrased 'handles' for each stage come from Lawrence Stone, "The Rise of the Nuclear Family in Early Modern England: The Patriarchal Stage", in The Family in History, ed. Charles E. Rosenberg, 1975, 13-57, p. 14.
81. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 4.
82. Lawrence Stone, "The Rise of the Nuclear Family in Early Modern England: The Patriarchal Stage", in The Family in History, ed. Charles E. Rosenberg, 1975, 13-57, p. 14.
83. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 253.
84. Ibid.

85. Stone is by no means alone in his views. Edward Shorter, for instance, proclaims that "before the seventeenth century it is difficult to demonstrate that couples of any description, well-to-do or impoverished, thought to take advantage of such seclusion as the structure of their houses may have allowed", The Making of the Modern Family, 1975, p. 39.
86. Peter Laslett, "Mean Household Size in England Since the Sixteenth Century", in Household and Family in Past Time, 1972, 125-158, p. 126.
87. Ibid., p. 139, "It now seems best to abandon the quest for a single multiplier of this kind. In spite of the fact that English household size seems to have differed so little from period to period and region to region, individual settlements were evidently liable to vary quite widely one from another". He could have gone on to say 'from one household to another' - the average is clearly most use in the argument about the overall impact of industrialization on household size.
88. Peter Laslett, The World We Have Lost, 1965, p. 90.
89. Peter Laslett, "Mean Household Size in England Since the Sixteenth Century", in Household and Family in Past Time, 1972, 125-158, p. 136, Table 4.3. I have omitted the 1961 10% sample figures also given in the original table.
90. Households by Size and Persons in Households of Various Sizes

<u>Size</u>	<u>Period I (1650-1749)</u> (43 settlements)		<u>Period II (1750-1821)</u> (50 settlements)	
	<u>% Households</u>	<u>% Persons</u>	<u>% Households</u>	<u>% Persons</u>
1-3	36.5	18.7	34.0	16.6
4-5	30.9	29.7	30.8	28.9
6 +	32.5	51.3	35.1	53.9

Table taken from Richard Wall, "Regional and Temporal Variations in English Household Structure from 1650", in Regional Demographic Development, eds. John Hobcraft and Philip Rees, 89-113, p. 94, Table 4.3: Changes in Household Size and Composition, 1650-1821.



91. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 6. Given below are figures for 1851 calculated from data kindly supplied by Michael Anderson, Professor of Social and Economic History, University of Edinburgh, derived from a one-sixteenth subsample of a 2% national sample.

<u>Size</u>	<u>% Households</u> (N = 4,742)	<u>% Persons</u> (N = 23,691)
1-3	34.7	16.4
4-5	30.8	27.7
6+	34.5	55.9

92. Peter Laslett, "Mean Household Size in England Since the Sixteenth Century", in Household and Family in Past Time, 1972, 125-158, p. 127.
93. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 5.
94. G. Ohlin, "No Safety in Numbers: Some Pitfalls of Historical Statistics", in Essays in Quantitative Economic History, ed. Roderick Fiond, 1974, 59-78, p. 60.
95. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 6. Richard Wall ("Regional and Temporal Variations in English Household Structure from 1650", in Regional Demographic Development, eds. John Hobcraft and Philip Rees, 1979, 89-113, p. 98, Table 4.5) gives the following run for the mean size of the sibling group:-

<u>Period I (1650-1749)</u>	<u>Period II (1750-1821)</u>	<u>1851</u>
2.49 (32 settlements)	2.97 (31 settlements)	2.63* (14 settlements)

(\*Michael Anderson's one-sixteenth subsample of the 2% national sample for 1851 would give a figure closer to two.)

Wall says (p. 95) that the increase between Periods I and II "involved a fall in the proportion of 'only' children of 35% and a rise of children living in groups of five of 30% and in groups of 7 or more of 200%".

96. Rosalind Mitchison, British Population Change Since 1860 (London: Macmillan), 1977, p. 27 and p. 28.
97. Philippe Ariès, Centuries of Childhood, 1962, p. 13.

98. Jean-Louis Flandrin, Families in Former Times, 1979, p. 58.
99. Richard Wall, "Regional and Temporal Variations in English Household Structure from 1650" in Regional Demographic Development, eds. John Hobcraft and Philip Rees, 1979, 89-113, p. 98, Table 4.5. In Michael Anderson's 1851 sample of 4,742 households 20.2% have kin.
100. Ibid., p. 98. The variations were such that "even in the post-1750 period it is possible to find settlements with almost no kin at all, whereas in others kin accounted for more than 10% of the population" (p. 96).
101. Lutz K. Berkner, "Recent Research on the History of the Family", Journal of Marriage and the Family, 35, August 1973, 395-405, p. 400.
102. General Report. Census of Great Britain, 1851, Parliamentary Papers, 85, pt. 1, 1852-53, p. xxviii.
103. Theresa M. McBride, The Domestic Revolution, 1976, p. 114. "The middle class wanted to privatise their lives and had begun to feel that live-in servants were obtrusive" (p. 67).
104. Peter Laslett, "Mean Household Size in England Since the Sixteenth Century", in Household and Family in Past Time, 1972, 125-158, p. 157, Table 4.18. As Laslett indicates ... the extraction of figures of servants from the census documents is no easy matter and ... must be regarded as very approximate indeed". Those given are apparently based on J.W. Nixon's publications, with some differences. The sex ratios have been omitted.

England and Wales: Proportion of Servants in the Population

1831	4.8	1881	4.7	1931	1.8
1841	-	1891	-	1941	-
1851	5.1	1901	4.1	1951	0.4
1861	5.5	1911	3.7		
1871	6.6	1921	3.0		

105. According to Richard Wall, ("Regional and Temporal Variations in English Household Structure from 1650", in Regional Demographic Development, eds. John Hobcraft and Philip Rees, 1979, 89-113, p. 94, Table 4.3), the percentage decrease between Period I and Period II was 42.4% as against 32.3%, though caution is again in order because of the range found. "In a quarter of settlements enumerated between 1750 and 1821 there were fewer than 18% of households with servants, while in another quarter more than a third of the households had servants" (p. 96).



## 105. Contd.

Figures taken from p. 98, Table 4.5 Servants, Kin and Children 1650-1871.

	<u>Period I</u> (1650-1749)	<u>Period II</u> (1750-1821)	<u>1851</u>	<u>1861</u>	<u>1871</u>
% of servants in the population	18.4 (29 settle-ments)	10.6 (31 settle-ments)	-	8.1 (15 settle-ments)	-
% of households with servants	30.3 (30 settle-ments)	26.6 (32 settle-ments)	19.8* (17 settle-ments)	-	15.5 (20 settle-ments)

(\*Michael Anderson's figure for the 4,742 sample households is 22.4%.)

106. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 255.
107. Except for the 1851 urban percentage.
108. This is part of Table 16.3 from Richard Wall, "The Household: Demographic and Economic Change in England", in Family Forms in Historic Europe, 1983, 493-512, p. 498. The first two sets of figures come from the Cambridge Group listings, the third from Michael Anderson's one-sixteenth 1851 subsample.
109. Barbara Laslett, "The Family as a Public and Private Institution: An Historical Perspective", Journal of Marriage and the Family, 35, August 1973, 480-492, p. 480.
110. Ivy Pinchbeck and Margaret Hewitt, Children in English Society, vol. 1, 1969, p. 306.
111. John Summerson, Georgian London (London: Barrie and Jenkins), rev. ed. 1970, p. 144-145.
112. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 253.
113. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 108.
114. Lawrence Stone, The Family Sex and Marriage in England, 1500-1800, 1977, p. 253.
115. Mark Girouard, The Victorian Country House, rev. ed. 1979, p. 69 "It was considered undesirable for children, servants and parents to see, smell or hear each other except at certain recognized times and places" (p. 28).

116. Robert Kerr, The Gentleman's House, 1864, p. 74.
117. Ibid., p. 71.
118. J.J. Stevenson, House Architecture, 1880, vol. 2, p. 47-48.
119. Ibid., p. 5.
120. Philippe Ariès, Centuries of Childhood, 1962, p. 399.
121. J. Jean Hecht, The Domestic Servant Class in Eighteenth-Century England, 1956, p. 77.
122. Leonore Davidoff and Catherine Hall, "The Architecture of Public and Private Life: English Middle Class Society in a Provincial Town 1780 to 1850", to be published in The Pursuit of Urban History, eds. Anthony Sutcliffe et al., 1983, Mimeo, p. 12.
123. Ibid., citing from J.T. Bunce, Birmingham Life Sixty Years Ago, Articles collected from the Birmingham Weekly Post, 1899.
124. Richard Sennett, The Fall of Public Man, 1976, p. 76.
125. Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, 1977, p. 254.
126. Andrew Moreton (Daniel Defoe) Every-Body's Business is No-Body's Business (London: W. Meadows), 1725, p. 14.
127. Samuel Johnson, "London", a poem first published May 1738 in, Poems, ed. E.L. McAdam with George E. Milne (New Haven, Connecticut: Yale University Press), 1964, vol. 6, p. 55, lines 153-156.
128. Mrs Francis Trollope, Domestic Manners of the Americans (London: Whittaker, Treacher), 1832, vol. 2, p. 56.
129. Margaret Jourdain, "Dumb-Waiters and What-Nots", Country Life, 97, February 16, 1945, 286-7, p. 286.
130. Mary Hamilton at Court and at Home: from Letters and Diaries 1756 to 1816, eds. Elizabeth and Florence Anson (London: John Murray), 1925, p. 268. See also p. 225, her diary entry for July 18, 1784 records dining at Lady Stormont's where "we had dumb waiters so our conversation was not under restraint by ye Servants being in ye Room". For additional examples commenting on the relief granted by the dumb-waiter, see J. Jean Hecht, The Domestic Servant Class in Eighteenth-Century England, 1956, p. 208.



131. Frank Dawes, Not in Front of the Servants, 1973, p. 24.
132. Lewis A. Coser, "Servants: The Obsolescence of an Occupational Role", Social Forces, 52, September 1973, 31-40, p. 35.
133. Mark Girouard, Life in the English Country House, 1979, p. 264. See also Philippe Ariès, Centuries of Childhood, 1962, p. 399, "Bells were arranged in such a way that they could summon servants from a distance, whereas they had previously been capable of arousing attention only in the room where they were rung".
134. Mark Girouard, Life in the English Country House, 1979, p. 264-265, "Zoffany's portrait of Sir Lawrence Dando and his grandson, painted in 1769, shows a bell-rope hanging between the pictures. In 1774 bells and bell-ropes were installed in the main rooms at Harewood".
135. Louis A. Coser, "Servants: The Obsolescence of an Occupational Role", Social Forces, 52, September 1973, 31-40, p. 35.
136. Robert Kerr, "Observations on the Plan of Dwelling-houses in Towns", The Builder, 66, February 3, 1894, 89-90, p. 89.
137. J.J. Stevenson, House Architecture, 1880, vol. 2, p. 48.
138. Robert Kerr, The Gentleman's House, 1864, p. 76.
139. Robert Kerr, "Observations on the Plan of Dwelling-houses in Towns", The Builder, 66, February 3, 1894, 89-90, p. 89.
140. Frank Dawes, Not in Front of the Servants, 1973, p. 66.
141. Ibid., p. 9.
142. Pamela Horn, The Rise and Fall of the Victorian Servant (Dublin: Gill and Macmillan), 1975, p. 97-98.
143. Frank Dawes, Not in Front of the Servants, 1973, p. 27-28, quotation from 'Rules for the Manners of Servants in Good Families' a booklet published by the Ladies Sanitary Association in 1901.
144. Jill Franklin, "The Victorian Country House", in The Victorian Countryside, ed. Gordon E. Mingay, 1981, vol. 2, 399-413, p. 407.
145. Ernest S. Turner, What the Butler Saw (London: Michael Joseph), 1962, p. 235.

146. See Richard Wall, "Regional and Temporal Variations in English Household Structure from 1650", in Regional Demographic Development, eds. John Hobcraft and Philip Rees, 1979, 89-113, p. 146, Table 4.5: Servants, Kin and Children 1650-1871.

	<u>Period I</u> (1650-1749)	<u>Period II</u> (1750-1821)	<u>1871</u>
% of sole servants in households	21.0 (28 settlements)	35.3 (31 settlements)	63.5 (20 settle- ments)
% of male servants in the population	52.7 (29 settlements)	49.7 (31 settlements)	7.4 (20 settle- ments)

In Michael Anderson's 1851 subsample, 587 of the 4,742 households had servants and of these households 442 (75.3%) had only one servant.

147. Pamela Horn, The Rise and Fall of the Victorian Servant, 1975, p. 105.
148. (William S. Clarke), The Suburban Homes of London (London: Chatto and Windus), 1881, p. 390.
149. General Report, Census of Great Britain, 1851, Parliamentary Papers, 85, pt. 1, 1852-53, p. xxxvi.
150. This comes from the beginning of a poem called "The Art of Sinking" written about 1727. See The Twickenham Edition of the Poems of Alexander Pope, ed. Norman Ault (London: Methuen), 1954, vol. 6, p. 288.
151. These are the opening lines of "An Epistle to Dr. Arbuthnot" written in August 1734. Tom Serle was Pope's servant. See The Twickenham Edition of the Poems of Alexander Pope, ed. John Butt (London: Methuen), 1939, vol. 4, p. 96.
152. Francis R. Hart, "The Spaces of Privacy: Jane Austen", Nineteenth-Century Fiction, 30, December 1975, 305-333, p. 310.
153. Ibid., p. 318.
154. Paul Halmos, Solitude and Privacy, 1952, p. 119, describes "the basic pattern of living in our Western Society" as "rigidly home-centred".
155. Ralph W. Emerson, "Manners", Chapter 6 of English Traits, Emerson's Complete Works vol. v, 1883, 101-113, p. 107.
156. John Ruskin, Of Queens' Gardens (London: George Allen), 1902, p. 21.



157. Ralph W. Emerson, "Wealth", Chapter 10 of English Traits, Emerson's Complete Works vol. V, 1883, 149-165, p. 159-160.
158. Nancy Howitt, Little Coin; Much Care (New York: D. Appleton), 1855, p. 12.
159. Walter Houghton, The Victorian Frame of Mind (New Haven, Connecticut: Yale University Press), 1957, p. 343.
160. Lewis Mumford, Culture of Cities, 1938, p. 114.
161. Emile Karofiol, "The Right to Privacy and the Sidis Case", Georgia Law Review, 12, Spring 1978, 513-534, p. 514.
162. Fernand Braudel, Capitalism and Material Life, 1400-1800, 1974, p. 201.
163. Eviatar Zerubavel, "Private Time and Public Time: The Temporal Structure of Social Accessibility and Professional Commitments", Social Forces, 58, September 1979, 38-58, 41-43.
164. Peter Worsley, ed., Introducing Sociology (Harmondsworth, Middlesex: Penguin Books), 2nd ed. 1977, p. 180, "the values of privacy and the values of home are closely interwoven". Stig Strömholm talks of "the Victorian middle class idea of the sacredness of seclusion", Right of Privacy and Rights of the Personality, 1956, p. 17.
165. John Burnett, A Social History of Housing, 1815-1970, 1980, p.187.
166. Philippe Ariès, Centuries of Childhood, 1962, p. 415.
167. Donald J. Olsen, "Victorian London: Specialization, Segregation, and Privacy", Victorian Studies, 17, March 1974, 265-278, p. 267.
168. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 13.
169. Francis M.L. Thompson, "Introduction: The Rise of Suburbia", in The Rise of Suburbia, 1982, 2-25, p. 8.
170. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 104.
171. Francis M.L. Thompson, "Introduction: The Rise of Suburbia", in The Rise of Suburbia, 1982, 2-25, p. 8.

172. Alfred Cox, The Landlord's and Tenant's Guide (London: Alfred Cox), 1853, p. 232.
173. Francis M.L. Thompson, "Introduction: The Rise of Suburbia", in The Rise of Suburbia, 1982, 2-25, p. 12-13.
174. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 325 footnote 24.
175. The example given (p. 24) is Gosforth in Newcastle-Upon-Tyne. Burnett mentions the Thornhill Estate in Islington in the late 1840's and Belsize Park in the 1870's.
176. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 14.
177. General Report, Census of Great Britain 1851, Parliamentary Papers, 85, pt. 1, 1852-1853, p. xxxvi.
178. Carl G. Carus, The King of Saxony's Journey Through England and Scotland in the Year 1844, trans. S.C. Davison (London: Chapman and Hall), 1846, p. 32.
179. "The Suburbs II", Building News, 27, October 9, 1874, 425-426, p. 425-6.
180. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 13.
181. See Theodore C. Barker and Richard M. Robbins, A History of London Transport (London: George Allen and Unwin), 1963, vol. 1, p. 57-58.
182. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 13.
183. Harold J. Dyos and Derek H. Aldcroft, British Transport (Leicester: Leicester University Press), 1971, p. 219.
184. Donald J. Olsen, The Growth of Victorian London, 1976, p. 18.
185. Donald J. Olsen, "Victorian London: Specialization, Segregation, and Privacy", Victorian Studies, 17, March 1974, 265-278, p. 271.
186. Donald J. Olsen, The Growth of Victorian London, 1976, p. 24.
187. Harold J. Dyos, Victorian Suburb (Leicester: Leicester University Press), 1961, p. 25.
188. John Burnett, A Social History of Housing, 1815-1970, 1980, p. 188.



189. Ibid., p. 102.
190. Ibid., p. 106.
191. Francis M.L. Thompson, "Introduction: The Rise of Suburbia", in The Rise of Suburbia, 1982, 2-25, p. 21.
192. Ibid., p. 20.
193. Lutz K. Berkner, "Recent Research on the History of the Family in Western Europe", Journal of Marriage and the Family, 35, August 1977, 395-405, p.396.
194. Edward A. Shils, "Privacy and Power", in Computer Privacy, Committee Hearings, 1968, 231-247, p. 235.
195. Mark Girouard, Life in the English Country House, 1978, p. 11, "it would be a mistake to see country-house history in terms of greater and greater privacy". Girouard in fact thinks that "privacy was perhaps at its greatest in the early eighteenth century when servants had been moved out of the way, and individuals among both family and guests enjoyed the security of private apartments each containing two or even three rooms. By the early nineteenth century apartments were shrinking".
196. The following count as intermediate examples despite their vagueness.  
Joan Thirsk, "The Family", Past and Present, 27, April 1964, 116-122, p. 122, "the idea of the modern family and family privacy therefore first evolved in the houses of the rich and spread downwards"; and Joseph Bensman and Robert Lilienfeld, Between Public and Private, 1979, p. 31, "In the Middle Ages only the upper classes could afford privacy, but the rise of the bourgeoisie in the Renaissance made it accessible to an increasing portion of the population".
197. Edward Shorter, The Making of the Modern Family, 1975, p. 43.
198. Lewis Mumford, The Culture of Cities, 1938, p. 118; also The City in History, 1961, p. 384.
199. See, for instance, Philippe Ariès, Centuries of Childhood, 1962, p. 414, "the moral ascendancy of the family was originally a middle-class phenomenon; the nobility and the lower classes retained the old idea of etiquette much longer".
200. David H. Flaherty, Privacy in Colonial New England, 1972, p. 21.

201. Edward A. Shils, "Privacy: Its Constitution and Vicissitudes", Law and Contemporary Problems, 31, Spring 1966, 281-306, p. 291.
202. Thorstein Veblen, The Theory of the Leisure Class (New York: Macmillan), 1899, p. 112.



CHAPTER FIVE

'Characterizing the Nature of Privacy Concerns'

People inhabit different non-static worlds and as has become apparent we are very unevenly informed about the historical range of environments and experiences across the social spectrum. This chapter's scanning of other than domestic developments draws on material pertaining to the lives of the literate, the litigious and the enfranchised, so can only supplement the crude picture of privacy gaining ground in the eighteenth century and coming to the fore in the nineteenth. But what it also usefully brings out and emphasizes is the nature of privacy as a technically informal entitlement, strongly buttressed by property, and mainly sought within peer or status relationships.

Contemporary writers supply several small examples that cumulatively suggest a strengthening attachment to privacy at an interpersonal level and alertness to perils posed. "As early as 1741 in *Pope v. Curl*, the poet Alexander Pope vindicated his right to prevent publication of private letters that he had written to Jonathon Swift".<sup>1</sup> In the next generation, Maria Edgeworth complained that "the general rage for the practice" - the publication of correspondence - "threatens to destroy private friendship and all human confidence and to leave no privacy in this world, no true feelings".<sup>2</sup> Mervyn Jones notes "how the theme of the 'deadly secret', to be guarded at all costs, runs through the literature of the nineteenth century" and takes this as indicative of "a desperate clinging to privacy and a truly neurotic /



neurotic fear of intrusion or disclosure".<sup>3</sup> The character of Paul Pry, "that inquisitive, gossiping, meddlesome gentleman",<sup>4</sup> made his first stage appearance in 1825.<sup>5</sup> Pry sees himself as the embodiment of "a spirit of inquiry" that he claims "is the great characteristic of the age we live in";<sup>6</sup> "you know I never miss anything for want of asking".<sup>7</sup> Others are less well disposed towards his activities. The Innkeeper Doubledot, for instance, expostulates "Inquisitive! why, he makes no scruple to question you respecting your own private concerns ... he passes his days, 'dropping in', as he calls it, from house to house at the most unreasonable times, to the annoyance of every family in the village".<sup>8</sup> Charles Dodgson's fictitious Alice is less convinced than the Duchess that "'tis love, that makes the world go round'. 'Somebody said', Alice whispered, 'that it's done by everybody minding their own business'".<sup>9</sup> King Gama in Gilbert and Sullivan's Princess. Ida is another personification of inveterate curiosity.<sup>10</sup> Right at the beginning of the century, the word privacy was apparently sufficiently current for John Walker to insert a special note into the third edition of his popular Dictionary,<sup>11</sup> in favour of the long rather than the short 'i'. "My ear and observation greatly fail me, if the first mode of pronouncing the word is not the most agreeable to polite as well as general usage".<sup>12</sup> Privacy, however pronounced, was overtly part of James Stephen's response to Mill's famous question, "How much of human life should be assigned /

assigned to individuality, and how much to society?"<sup>13</sup>

"Legislation and public opinion ought in all cases whatever scrupulously to respect privacy" declares Stephen. "To define the province of privacy distinctly is impossible, but it can be described in general terms. All the more intimate and delicate relations of life are of such a nature that to submit them to unsympathetic observation ... inflicts great pain".<sup>14</sup>

Although "it is definite ... that in England the courts do not recognize a right of privacy"<sup>15</sup> and have "not evinced any significant tendency to protect privacy as an independent concept",<sup>16</sup> it was only in the latter half of the nineteenth century that "opinion hardened"<sup>17</sup> against "traces of a different doctrine".<sup>18</sup> While the attempt to develop "the action on the case to include protection of a right to privacy" per se<sup>19</sup>, undoubtedly failed, it is interesting that the possibility of privacy being directly actionable did arise at the beginning of the eighteenth century.<sup>20</sup> Cherrington v. Abney, a suit in chancery about 1709, was the first in a series of disputes "between the possessor of a right to ancient lights and someone who claimed that the window disturbed his privacy".<sup>21</sup> It may have been "ill-reported" by Vernon,<sup>22</sup> and was, as it turned out, misleading as a precedent,<sup>23</sup> but the finding's forthright endorsement of privacy is striking. "So must not make more stories, more lights, nor in other places. It is certain that they cannot alter the same to the prejudice of /



of the owner of the soil as if before so high, as they could not look out of them into the yard, shall not make them lower and the like; for privacy is valuable".<sup>24</sup>

A similar contest of ideas was at the centre of *Chandler v. Thompson* (1811) in which defending counsel's line (that though his client "might not object to a small window looking into his yard, a larger one might be very inconvenient to him, by disturbing his privacy, and enabling people to come through to trespass upon his property")<sup>25</sup> was rejected by "His Lordship" observing "that although an action for opening a window to disturb the plaintiff's privacy was to be read of in the books,<sup>26</sup> he had never known such an action maintained".<sup>27</sup> Cases continued to be brought however until in the 1860's a definite decision was reached that courts would not "interfere on the mere ground of invasion of privacy".<sup>28</sup> Before denying legal defensibility the appeal judge in *Turner v. Spooner* recognized that "with regard to the question of privacy, no doubt the owner of the house would prefer that a neighbour should not have the right of looking into his windows or yard".<sup>29</sup>

Within the political forum privacy cannot be said to have featured prominently. This may well betoken its assured position as what Maurice Cranston calls "a positive social right ... a right which is upheld not by the formal sanctions of positive law but by the informal sanctions of public opinion and 'unwritten law', upheld by society".<sup>30</sup>

But /

But it also indicates the tendency for such threats as were perceived to emanate from outside the governmental orbit. The two matters which did provoke some minor agitation about privacy were the "recourse to the practice of opening letters"<sup>31</sup> and the collection of census data. Although postal service procedures were tightened up as a consequence, the personal privacy yardstick has always proved rather weak when set against the well-being of the wider community. As for the census the expression of alarm was neither very immediate nor during the rest of the nineteenth century particularly insistent. Kenneth Ellis' study of the Post Office in the eighteenth century describes how "by custom mail was freely opened",<sup>32</sup> notwithstanding the attempts of a 1663 Proclamation and the 1711 Post Office Act to outlaw "all but official tampering with the mails, authorized by the secretary of state".<sup>33</sup> When the surveillance was discussed in the House of Commons in 1735 exception was taken, firstly to its counterproductiveness ("this practice of breaking open letters was become frequent and was so publicly known, that the very end for which this liberty was given to the postmaster was entirely disappointed ... it was certain that no man would carry on any treasonable correspondence by means of the post office"), and secondly to its intrusiveness ("the liberty given ... could now serve no purpose, but to enable the little clerks about that office to pry into the private affairs of every merchant, and of every gentleman in the kingdom /



kingdom").<sup>34</sup> The 1837 Act for the Management of the Post Office required employees to sign a declaration that they would not "open or delay ... any letter or any thing sent by the Post ... except by the consent of the person ... to whom the same shall be directed or by an express warrant in writing".<sup>35</sup> The fears which the 1753 proposal for a census aroused had less to do with encroachment on privacy than is sometimes suggested. Despite Viner's highlighting of William Thornton's attacking speech,<sup>36</sup> "invasion of the people's privacy"<sup>37</sup> is not among the external and internal dangers seen in an expensive and impractical exercise designed "to decide a Wager at White's!".<sup>38</sup> Though "there is no doubt about the spirited discussion which accompanied the measure through all its stages in the Commons",<sup>39</sup> the Bill was passed, with government support, by large majorities. It was lost in the Lords when referred to a Committee of the Whole House after the end of the parliamentary session and, having lapsed, was not brought up again. A similar fate awaited a 1758 bill to improve vital registration procedures, though this time a census was not envisaged and "the exact nature of the opposition is not known, for the Parliamentary History gives no record of the debate".<sup>40</sup> The bill that authorized the first census taken in 1801 passed through unopposed, apparently because "fear that measurements of the population might reveal weaknesses, particularly an inability to mobilize adequate military forces gave place to fear lest the population was increasing more rapidly than the means of subsistence".<sup>41</sup> It seems that there was some resistance outside /

outside the parliamentary precincts by 1841, with the Times reporting that "the enumerators have had considerable difficulty in Brighton, as in other places, in obtaining correct returns for taking the census, the papers being lost, improperly filled up, or the parties refusing to answer the questions ... A captain living in Regency Square" whose "high respectability ... excited ... interest"<sup>42</sup> proved particularly recalcitrant. In London "very little difficulty was experienced ... with the exceptions of certain portions inhabited by the lower orders".<sup>43</sup> Such suspicions as there were of officialdom and its intentions in general or dislike of the census and its inquiries in particular, were not strong enough to impede a steady widening of the investigative scope from 1851 onwards, "as each succeeding census brought additional questions".<sup>44</sup> Nor was it felt necessary to give any formal assurance of census confidentiality until 1861. "No references appear in records of Parliamentary Debates, Census Acts or Schedules until ... a note printed in the Householder's Schedule ... 'The facts will be published in General Abstracts only and strict care will be taken that returns are not used for the gratification of curiosity'".<sup>45</sup>

The argument is made that the authorities' attentions were not yet often viewed as invasive of privacy because "the State had neither the inclination nor the technical skills to encroach seriously".<sup>46</sup> "The predominantly laissez-faire and regulatory policies pursued by governments in /



in the eighteenth and nineteenth centuries naturally required little information about individuals"<sup>47</sup> and simultaneously "deficiencies of transportation and communication produced a society in which the central institutional system had little penetrative capacity".<sup>48</sup> While it is easy to exaggerate the degree to which "government was as uninquisitive in the countryside as in the great cities",<sup>49</sup> Britain being perhaps less of a "night-watchman state"<sup>50</sup> than the American federation, with laissez-faire giving way to some reformist impulses,<sup>51</sup> the responsibilities assumed and the services provided were indeed relatively restricted. Few or "no welfare clients" meant "no social security officials to intrude into the privacy of the destitute",<sup>52</sup> and though "the privacy of the poorest classes was not generally regarded as worthy of much respect"<sup>53</sup> quasi-official philanthropic interventions and "the interests and techniques of social research ... entailed only ... marginal intrusion into the private sphere".<sup>54</sup> But if "liberal political thought" had little cause to be "concerned with 'cognitive' privacy" it was certainly "interested in the privacy of private property and security".<sup>55</sup> Paul Overy talks of privacy as "a concept that grew up side by side with the idea of private property"<sup>56</sup> and the linkage of privacy "with the ownership of private property"<sup>57</sup> can be appreciated by taking another look at the legal situation. Although "no history of the birth and conscious elaboration of privacy as an element /

element of positive law can be written",<sup>58</sup> combing "through the case law in search of instances where courts have either employed the word privacy or accorded protection to certain interests which are now (rightly or wrongly) conceived to be privacy issues", is not such a "singularly unrewarding and pointless" exercise as Raymond Wacks contends.<sup>59</sup> The pleading and disposition of privacy-related matters<sup>60</sup> reveal both a general concern for privacy and a legal "preoccupation with the claim of privacy as a matter of property right".<sup>61</sup> A celebrated case in point is *Albert v. Strange* (1849) where the Solicitor-General submitted there had been "the abstraction of one attribute of property, which was often its most valuable quality, namely privacy"<sup>62</sup> and the Vice-Chancellor expressed great concern over "an intrusion - an unbecoming and unseemly intrusion, - an intrusion not alone in breach of conventional rules, but offensive to that inbred sense of propriety natural to every man, if intrusion, indeed fitly describes a sordid spying into the privacy of domestic life, - into the home (a word hitherto sacred among us)".<sup>63</sup> The injunction finally granted, against reproducing etchings made by Queen Victoria and her consort for their own amusement and against publishing a descriptive catalogue, rested squarely "on the narrow bases of 'property rights' and 'breaches of trust'".<sup>64</sup> This was very much in keeping with other verdicts which went some way to vouchsafing privacy, but only upon the establishment of "some historically respectable ground, such as implied contract, breach of trust or confidential relationship, defamation of character /



character or the violation of a property right".<sup>65</sup> As Herbert Hadley wrote in 1894 "it is the 'privacy of property', not the right to privacy which equity protects".<sup>66</sup>

Thus the notion that over time there was "a great increase in the amount of privacy"<sup>67</sup> and by the Victorian era "a belief in its rightness"<sup>68</sup> seems to be substantially accurate. As a gross generalization and rejecting a "monolithic Victorian" or any other period "mind",<sup>69</sup> privacy, with property as the bulwark seems to have come to play a significant part domestically and otherwise in interpersonal relationships, especially those based on status but also among approximate equals, whilst being of less account in nearly all ranks' dealings with non-local authority. Contemporaries reacted defensively to suggestions that pursuit of privacy was tainted by "obsolete conservatism or aristocratic pride",<sup>70</sup> declaring that "privacy is by no means an attribute of aristocracy as opposed to democracy".<sup>71</sup> There was undoubtedly a very real sense in which the ability to categorize outsiders and regulate their access was an adjunct of the power conferred by socio-economic standing. Yet on the other hand, privacy does not appear to have been entirely "a perquisite of the aristocracy"<sup>72</sup> or solely a "bourgeois virtue",<sup>73</sup> and it is unwarranted "merely to interpret late nineteenth century privacy interests as a rearguard action of an entrenched elite".<sup>74</sup>

Whatever /

Whatever the shortcomings of the foregoing account, the attempt to assess the impact of factors in the modernizing complex held responsible for privacy's overall rise up to the turn of the century, is that much less satisfactory. As regards the roles of individuality and "the separation of spheres"<sup>75</sup>, nothing has been found to contradict the superficial impression of their moving in tandem with the growth of privacy. But demonstrating unequivocal connections is quite another matter. No adequate check can be made on the prima facie plausibility of assertions like Gerth and Mills' that "demand for conventional protection emerged along with the greater individuation of families and the sharper definition of 'private' and 'public' segments of the personality".<sup>76</sup> Flaherty goes too far when he says that "the focus on privacy fortuitously permits the emergence of individualism to be perceived in a direct manner".<sup>77</sup> Trilling wisely tempers his association between man becoming an individual and living increasingly in private rooms, with a reminder that "whether the privacy makes the individuality or the individuality requires the privacy, the historians do not say".<sup>78</sup> Shils' intuitively reasonable contention that "the growth of individuality has a dialectical relationship to privacy", contributing "to the demand for privacy" and "the desire to enter the mind ... to know what is there",<sup>79</sup> is unverifiable. Basically, we are thrown back on the mutualities implied by the contrast with a past in which "society ... held the individual in its clutches /



clutches", there was "no clear boundary between public and private"<sup>80</sup> and "desire for privacy was still tentative".<sup>81</sup> As regards whether "urbanization and industrialization" (which besides accelerating differentiation so changed other parameters of existence) "contributed significantly to the new sense of private life",<sup>82</sup> they obviously cut both ways. They exerted "pressures for privacy" and "pressures against privacy"<sup>83</sup> among different sub-populations at different times in different areas of life. Generalizations about their positive or negative effects on privacy inevitably take the form of "on balance" judgments (e.g. "urbanization on balance probably enlarged the opportunities and respect for privacy").<sup>84</sup> When 'modernity' is invoked it is even harder to tell whether apparent conflicts about repercussions reflect genuine differences of opinion or like is just not being compared with like. Depending on what elements of modernity and of privacy both commentators have in mind, the views for instance that "the movement to modern societies increases ... the physical and psychological opportunities for privacy"<sup>85</sup> and "it is modernity which poses the threat to privacy"<sup>86</sup> might prove compatible. Greater specificity only reduces tenuousness but the best hope is to identify phases of processes that transformed by instalments and to treat privacy as a variegated property of some relationships rather than as a global commodity. Accordingly 1900 with plenty of leeway in either direction, has been taken as a notional watershed between earlier more 'sociofugal' stages (when differentiating forces were uppermost drawing people apart in terms of practicalities and sensibilities) and later /

later more 'sociopetal' stages (when segmented concentrations of persons and activities were brought within the net of more integrated, technologically capable communication and authority systems). At the same time the consequences for privacy among individuals are considered separately from the effects upon interactions between individuals and corporate entities or their representatives.

Although not all the changes said to have given "impetus to privacy"<sup>87</sup> are uncontentious, it looks as if for a proportion of the population "the rise of urban industrial society, at first expanded the dimensions of personal reserve and interpersonal intimacy".<sup>88</sup> The strongest components of the composite explanation are the release from the past brought about by residential and occupational mobility, and the structural separation of the family "from working life, by location, by time and by partners of interaction".<sup>89</sup> More open to interpretation are the effects of "increasing population density and visibility which accompanied the change from rural to urban living".<sup>90</sup> The "close proximity"<sup>91</sup> is felt by many to have been mitigated both by "greater spatial privacy for families and for individuals within those families"<sup>92</sup> among a work-force "able to afford better housing conditions"<sup>93</sup> and by new relationships and attitudes. Physical facilities did not of course improve across the board and the bleak situation of "the poor huddled into crowded quarters ... stripped of a large measure of privacy"<sup>94</sup> altered only gradually.

As /



As for the conduct of daily affairs, the indications are that expanded horizons, more segmented contacts and diffused personal relationships sustained by a larger element of voluntarism, probably did increase "indifference to most aspects of the behavior of most of one's fellow citizens".<sup>95</sup> The virulent dispute is about the consequences of "that isolation and solitude ... found in a much higher degree in the crowded city than in the country village where one individual's concerns are the concern of all"<sup>96</sup> rather than about interconnections between urban-industrial forms, the potential for anonymity and privacy. Yet if initially, and in the conditioning of "man's relationship to man"<sup>97</sup> modernizing changes made for more privacy, they also brought fresh challenges in their wake. "As time goes on a new menace looms larger and larger - that of the State. With the growing complexity of society and the increasing centralization of economic activities governments saw themselves obliged to assume greater responsibilities and greater powers".<sup>98</sup> It is a moot point how far a "highly centralized, institutional and increasingly corporate social and political structure"<sup>99</sup> combined with "technical progress"<sup>100</sup> ("developments in printing, publishing, telegraphy and photography" that "proved to be only a prelude to later advances in radio, television and electronics")<sup>101</sup> have resulted in an "all-pervasive system of regulation and control"<sup>102</sup> with privacy ranking high "among the wasting assets of modern society".<sup>103</sup> But inasmuch as "one of the prices we pay for /

for increased occupational, social and welfare benefits of all kinds is the necessary requirement to share and entrust personal and private information to an ever widening range of organizations and persons",<sup>104</sup> the boundaries of contextual outsidership have definitely been redrawn.

As we turn from issues of causation to chart privacy's course in the twentieth century, the waters remain murky because accounts are so clouded by grave divisions over whether privacy is "a particularly vulnerable interest"<sup>105</sup> that needs fortifying against further onslaughts or whether the distortions of a damagingly dominant "ideology of privacy and reserve"<sup>106</sup> should be decried. The source of the conflicting interpretations is disagreement about mankind's nature and how this is best realized. Equally perturbed by "the shift of threshold between public and private"<sup>107</sup> and its impact on the lone individual, they would that matters moved in quite opposite directions. This lays out the split too starkly in that there are shadings of opinion and some intermediaries, but these contrasting orientations are directly reflected in the assessments made of privacy's availability and valuation. The first camp concentrates on "the change in public authorities' attitudes and activities ... the development of institutions which regard it as their task to intrude on privacy"<sup>108</sup> and "the technical changes ... threatening in hitherto unimaginable ways".<sup>109</sup> The difficulties come in measuring the extent to which privacy has actually been adversely affected by the /



the expansion of the governmental apparatus, the activities of "journalists, employers ... social scientists" or other "intruders into personal privacy",<sup>110</sup> and the existence of sophisticated instruments for acquiring and processing information. In the only study of its kind, Walter Pratt builds up a picture on the basis of contemporary British comment, of criticisms levelled most frequently and vociferously up to the end of the 1950's against the press, perceived "more than either government or technology as the greatest threat to privacy".<sup>111</sup> A rumbling "mistrust of increasing governmental power"<sup>112</sup> which found spasmodic outlets in resistance to the census,<sup>113</sup> became more full blown once "the reaction ... against ... computers and other technology"<sup>114</sup> set in during the late sixties. A similar feeling that, as Sandwell wrote in 1928, "the privacy artist must fight his way up stream, while the publicity agent paddles easily down it"<sup>115</sup> emerges from descriptions of American developments, in which the more well-established research professions and personnel management practices also feature.

But it is always hard to separate rhetoric from substance<sup>116</sup> and all the more so since "the emergence of privacy as a major social and political issue".<sup>117</sup> Maurice Cranston argues, by analogy with the earlier American experience, that contemporary "demands for a positive legal right" are "prompted by the erosion of the social right in this country".<sup>118</sup> Certainly some interactional contexts cannot be counted on to afford privacy as they once did, before technological devices so amplified the human senses and /

and decreased the chances of knowing about intrusions until confronted with the consequences. Recent decades have seen "the rapid development of many new and sophisticated means of intrusion, some of which are virtually undetectable and capable of stripping away that physical and mental protection which in the past appeared to be adequate to shield a man from the curiosity or malice of his fellows".<sup>119</sup> If electronic devices had been available in 1904 for example, a family in Balham would not have busied themselves rigging up "in their garden an arrangement of large mirrors which enabled them to observe all that passed" in the study and operating-room of a neighbouring dentist, and to which he in turn objected.<sup>120</sup> More clandestine methods of subverting privacy are also held to reduce public awareness of what is 'really' happening, so that such attitude surveys as exist are likely to underestimate the problem. Another explanation put forward is that "as the invasion of privacy becomes habitual" sensibilities are dulled and "the value of privacy declines".<sup>121</sup> Resistance to the demands of public bodies or "the threat of unorganized, but intrusive, inquisitive people",<sup>122</sup> is on this account still further undermined by "desire for privacy" coming "more and more ... to be regarded as suspicious and anti-social".<sup>123</sup> "Animosity against privacy", identified as "one of the major drives of our time",<sup>124</sup> is seen at work in the "disturbing influence of social theorists who preach a gospel of 'community'"<sup>125</sup> or symbolically expressed in the popularity of open-plan interiors<sup>126</sup> ("so designed as to make /



make it impossible for the individual to withdraw and find privacy")<sup>127</sup> and the vogue for "large picture windows" (that "invite people to look in and thus invite intrusions upon one's privacy").<sup>128</sup> So much for those convinced that "privacy is nowadays everywhere in danger"<sup>129</sup> and that this century has seen "the conquest of privacy".<sup>130</sup>

Although still committed to a trend "toward the restriction of privacy",<sup>131</sup> some of the "waning of privacy"<sup>132</sup> school see no diminution in privacy desires which, while frustrated in dealings with public bodies, have stood more chance of realization in personal and domestic spheres. They are likely to attribute "the demand for privacy" that "has in fact been increasing since the Victorian way of life went out"<sup>133</sup> to "groups in all classes ... responding simultaneously to a common set of influences on morals and manners",<sup>134</sup> and would agree that "structural and normative support for privacy within the family is ... a more accurate description of the twentieth century family, than it was of its historical predecessor".<sup>135</sup> They take comfort from rising standards of living and the tokens of "half length lace curtains"<sup>136</sup> or "a soundproof serving hatch",<sup>137</sup> though to be fair, observers are much less prepared than they were a propos the less immediate past to read off privacy meanings from the design features of, say, catering establishments or railway carriages.<sup>138</sup> This is partly perhaps because environments have manifestly become so diversified. The most interesting and unremarked thing is the similarity in the /

the foci of attention between this subsection of opinion and that of the second camp who acknowledge privacy as "one of the central values of modern life",<sup>139</sup> but construe the ramifications in such a radically different manner. As Forbes puts it: "an articulate group of people are feeling that their privacy is under threat of invasion" and "an equally articulate smaller group is actually arguing that an excess of solitude, something apparently akin to privacy, is actually a social evil".<sup>140</sup> The latter's main pre-occupation is with a pernicious pursuit of privacy which is said to have resulted in an "unfortunate trend towards the privatization of life, apart from responsibility for its social context".<sup>141</sup> According to the "pathology of privacy"<sup>142</sup> school, "the premium placed on privacy"<sup>143</sup> derives principally from the "conversion of ... working class minds to the triumph of the bourgeois ideal"<sup>144</sup> and leads to a false ennobling of isolation,<sup>145</sup> a "process of privatization" dominating "the whole of Western society"<sup>146</sup> that brings no ultimate satisfaction. As "intellectual prisoners of the ideology of individualism, we are alienated and lonely, and a search for privacy will not alleviate that condition";<sup>147</sup> "the demand for privacy in our world ... is merely another index of impersonality".<sup>148</sup> There are differences in the extent to which privacy is stressed as "an indulgence of the propertied class" to "be condemned as the concomitant of a false ideology of alienated individuals"<sup>149</sup> and whether there could be an "equation" with other than "privatization /



"privatization".<sup>150</sup> Those who do not view privacy as inevitably allied to "possessive self-protective individualism rooted in a system of competitive private property",<sup>151</sup> who talk of "the flight into an inner and private space"<sup>152</sup> as a "corrosion of privacy"<sup>153</sup> or "the retreat into privacy" as "a corruption",<sup>154</sup> suggest the possibility of a reconstructed and valued privacy.

Whatever commentators' hopes and fears, a developmental pattern can perhaps be summarily pulled out of all that has been said about privacy's progression, along the lines of beginnings in pre-modern times, expansion in conjunction with differentiation of all kinds, and consolidations this century, either insufficiently robust or taken to excess.

1. Samuel A. Hofstadter and George Horowitz, The Right of Privacy, 1964, p. 155. See also P. Allen ~~Monisopoulos~~ and Craig R. Ducat, The Right to Privacy, 1976, p. 23, "Insofar as the right to privacy can be inferred from the Pope decision, it had been a consequence of its being so intertwined and thus inseparable from the property right to be accorded "judicial protection". For the case itself see Pope v. Curl (1741) 2 Atk 342, English Reports, 26, 608, "The receiver of a letter has at most a joint property with the writer, and the possession does not give him a license to publish ... The injunction was continued by the Lord Chancellor only as to those letters, ... which are written by him, and not as to those which are written to him."
2. Francis R. Hart, Lockhart as Romantic Biographer (Edinburgh: Edinburgh University Press), 1971, p. 178-180. The reference is to an American edition of the letters and the British edition published by Arnold in 1894 would seem to be an abridgment. The case of Gee v. Pritchard (1818) 2 Swans. 403, English Reports, 36, 670-679, established that (p. 670), "the jurisdiction to restrain the publication of letters is founded on a right of property in the writer".
3. Mervyn Jones, Privacy, 1974, p. 16.
4. Mitchell Dawson, "Paul Pry and Privacy", Atlantic Monthly, 150, October 1932, 385-394, p. 385.
5. John Poole's play, Paul Pry, was first performed at the Theatre Royal, Haymarket in 1825.
6. John Poole, Paul Pry, French's Acting Edition 222 (London: Samuel French), n.d., Act III, Scene IV, p. 67.
7. Ibid., Act 1 Scene 1, p. 6.
8. Ibid., Act 1 Scene 1, p. 4.
9. Lewis Carroll, Alice's Adventures in Wonderland and Through the Looking-Glass (New York: New American Library), 1960, p. 85. Alice's Adventures were originally published in 1865. H.W. Arndt, "The Cult of Privacy", Australian Quarterly, 21, September 1949, 68-71, p. 69, suggests that "to 'mind one's own business' does not seem to have become a generally accepted social taboo until a century or two ago".



10. William S. Gilbert and Arthur S. Sullivan, "Princes Ida", in Treasury of Gilbert and Sullivan, ed. Martyn Green (London: Michael Joseph), 1961, 357-405, p. 365.

"I know everybody's income and what everybody earns;  
And I carefully compare it with their income tax  
returns;  
... To everybody's prejudice I know a thing or two;  
I can tell a woman's age in half a minute - and I do.  
But although I try to make myself as pleasant as  
I can,  
Yet everybody says I am a disagreeable man!  
And I can't think why!"

11. John Walker, A Critical Pronouncing Dictionary and Expositor of the English Language, 3rd ed. (London), 1802. Presumably such notes were among the "considerable Improvements and large Additions" referred to on the title page. In the first edition (1791) the single pronunciation which precedes the definition is not commented on, but I have not been able to consult the second edition (1797). By 1826 the Dictionary was into its twenty-eighth edition (D.N.B.).
12. Ibid., "The first pronunciation of this word is adopted by Dr. Ash, Dr. Kenrich, W. Johnston, Mr Perry, and Entick; and the last by Mr Sheridan, Mr Elphinston, and Mr Scott ... but my ear and observation ...", Geoffrey Marshall, "The Right to Privacy: A Skeptical View", McGill Law Journal, 21, Summer 1975, 242-254, p. 242, writes that "the OED and Establishment used to recognize only privacy (long i). But more probably now say privacy (short i) ... Oddly, Americans used to say privacy (short i) but often now say privacy (long i). Nothing at all similar has happened to primacy or piracy".
13. John Stuart Mill, "On Liberty", in On Liberty and Considerations on Representative Government, ed. R.B. McCallum (Oxford: Basil Blackwell), 1946, 1-104, p. 66.
14. James F. Stephen, Liberty, Equality, Fraternity, 1874, p. 160.
15. Samuel H. Hofstadter and George Horowitz, The Right of Privacy, 1964, p. 9.
16. Walter F. Pratt, Privacy in Britain, 1979, p. 53.



17. Percy H. Winfield, "Privacy", Law Quarterly Review, 47, January 1931, 23-42, p. 28. The decision of the House of Lords in Tapling v. Jones (1865), X1.H.L.C.290, English Reports, 11, 1344-1357, robustly declares that (p. 1344) "invasion of privacy by opening a window which overlooks another man's grounds is not recognized by law as a wrongful act". Walter F. Pratt, Privacy in Britain, 1979, p. 57 confirms that "possibly the strongest rejection of privacy as a ground for action came from the three courts (1861, 1862 and 1865) that were asked to decide the case of Tapling v. Jones".
18. Percy H. Winfield, "Privacy", Law Quarterly Review, 47, January 1931, 23-42, p. 28.
19. James K. Weeks, "Comparative Law of Privacy", Cleveland-Marshall Law Review, 12, September 1963, 484-502, p. 492-493.
20. While substantially true as Stig Stromholm states, Rights of Privacy and Rights of the Personality, 1967, p. 26, that "'privacy' remains, in England, a theoretical concept", it is not absolutely true that (p. 34), "there is no decision where a right of privacy has been acknowledged and an action sustained merely on the ground that the defendant's conduct constituted an invasion of privacy".
21. Walter F. Pratt, Privacy in Britain, 1979, p. 57. Pratt does not mention any cases before Cotterall v. Griffiths (1801), 4 Esp. 70, English Reports, 170, 644-645, where the argument on behalf of the unsuccessful defendant included the plea that (p. 645) the plaintiff had "deprived him of the privacy and retirement of his garden". Pratt is interested in ancient light cases because "it was in this aspect of the law of easements that nineteenth century courts most often dealt with privacy arguments".
22. Percy H. Winfield, "Privacy", Law Quarterly Review, 47, January 1931, 23-42, p. 28.
23. As late as 1861 in Turner v. Spooner, 1 Dr. & Sm. 467, English Reports, 62, 457-460, p. 459, the case is specifically appealed to by counsel for the defence; "the increased power of overlooking us is an injury to privacy is a legal right", (Cherrington v. Abney 2 Vern 646).
24. See Cherrington v. Abney, Jan. 27, 1709, Case 574 in Thomas Vernon, Vernon's Reports in the High Court of Chancery, vol. 2, pt. 2, 1705-1719, ed. John Raithby (London: Butterworth), 2nd ed., 1806, p. 646. Reprinted (2 Vern. 646) in English Reports, 23, p. 1022.



25. Chandler v. Thompson (1811), 3 Camp. 81, English Reports, 170, 1312-1313, p. 1313.
26. No one seems to have tried to track down the source of this reference. I have looked through Rolle's and Viner's Abridgments - without the benefit of legal training and without any luck.
27. Chandler v. Thompson (1811), 3 Camp. 81, English Reports, 170, 1312-1313, p. 1313.
28. Turner v. Spooner, May 27, 28, 1861, The Law Journal Reports, 1861, n.s. vol. 30, pt. 1, Chancery and Bankruptcy, 1801-1803, p. 803.
29. Ibid.
30. Maurice Cranston, "A Private Space", Social Science Information, 14, Summer 1975, 41-57, p. 47. He believes "there is not much doubt that the nineteenth century was a period when privacy as a social right was most carefully respected".
31. Report from the Secret Committee on the Post Office, August 1844, Reports from Committees, vol. 14, 1844, p. 7.
32. Kenneth Ellis, The Post Office in the Eighteenth Century (London: Oxford University Press), 1958, p. 63.
33. David J. Seipp, The Right to Privacy in American History, July 1978, p. 8.
34. Proceedings in the Commons Relating to the Privilege of Franking Letters and to Certain Abuses in the Post Office, February 26th, 1735, The Parliamentary History of England, vol. 9, 1733-1737, ed. William Cobbett (London: T.C. Hansard), 1811, 839-847, p. 842.
35. 1837 An Act for the Management of the Post Office, Schedule to Clause 33; reprinted in Report from the Secret Committee on the Post Office, August 1844, Reports from Committees, vol. 14, 1844, p. 115.
36. "I did not believe that there had been any set of men, or indeed, any individual of the human species, so presumptuous and so abandoned, as to make the proposal which we have just heard", The Parliamentary History of England, vol. 14, 1744-1753, ed. William Cobbett (London: T.C. Hansard), 1813, p. 1318-1319.



37. Jacob Viner, "Man's Economic Status", in Man Versus Society in Eighteenth Century Britain, ed. James L. Clifford, 1968, 22-53, p. 27.
38. "William Thornton's Speech", The Gentleman's Magazine, December 1753, 549-552, p. 552.
39. Alan J. Taylor, "The Taking of the Census, 1801-1951", British Medical Journal, April 7, 1951, 715-720.
40. David V. Glass, Numbering the People, 1973, p. 26.
41. Office of Population Censuses and Surveys and General Register Office, Edinburgh, Guide to Census Reports, Great Britain, 1801-1966 (London: H.M.S.O.), 1977, p. 1.
42. The Times, June 16, 1841, p. 3.
43. The Times, June 8, 1841, p. 6, "In most of the parishes in and around the metropolis very little difficulty was experienced by the enumerators in obtaining the proper returns, with the exception of certain portions inhabited by the lower orders".
44. Walter F. Pratt, Privacy in Britain, 1979, p. 68. See Section 7, "Historical Development of Subject Scope of Censuses in Great Britain", in The Population Census, Social Science Research Council Review of Current Research no. 7, ed. Bernard Benjamin (London: Heinemann Educational Books), 1970, p. 20-28. Also Guide to Census Reports, Great Britain, 1801-1966 (London: H.M.S.O.), 1977, especially part 2, "Significant Developments in the Scope and Organization of the Census", p. 11-37.
45. Catherine Hakim, Census Confidentiality, Microdata and Census Analysis, OPCS Occasional paper no. 3, 1978, Appendix A, 12-16, p. 12. "At succeeding censuses the assurances of confidentiality given on the census form were progressively refined", Catherine Hakim, "Census Confidentiality in Britain", in Censuses, Surveys and Privacy, ed. Martin Bulmer, 1979, 132-157, p. 136.
46. Colin Mellors, "Governments and the Individual - Their Secrecy and His Privacy", in Privacy, ed. John B. Young, 1978, 87-112, p. 92.
47. Ibid., p. 94, "Simply because governments felt little responsibility for individuals".
48. Edward A. Shils, "Privacy and Power", in Contemporary Political Science: Toward Empirical Theory, ed. Ithiel de Sola Pool, 1967, 231-276, p. 235.



49. Edward A. Shils, "Privacy and Power", in Computer Privacy, Hearings, 1968, 231-247, p. 235.
50. "The Night-watchman state set as its goal the prevention of collisions among its citizens", Edward A. Shils, "Privacy and Power", in Contemporary Political Science: Toward Empirical Theory, ed. Ithiel de Sola Pool, 1967, 231-276, p. 240.
51. Michael W. Flinn in his "Introduction", Edwin Chadwick, Report on the Sanitary Conditions of the Labouring Population of Great Britain, 1842, 1965, 1-73, draws attention (p. 38) to the "over-simplification that a laissez-faire philosophy inhibited State intervention" and says (p. 42) "a very wide range of social and economic issues were raised, debated and made the subject of legislation".
52. Maurice Cranston, "The Right to Privacy 2: As a Human Right", The Listener, 92, July 11, 1974, 44-45, p. 44.
53. Edward A. Shils, "Privacy and Power", in Contemporary Political Science: Toward Empirical Theory, ed. Ithiel de Sola Pool, 1967, 231-276, p. 242.
54. Ibid.
55. Ibid., p. 235.
56. Paul Overy, "Social Privacy", New Society, February 17, 1972, 353, p. 353. See also Carl J. Friedrich, The Pathology of Politics, 1972, p. 185, "the notion of the sacredness of private property was intimately related to ... the idea of the sacredness of privacy".
57. Lorianne M.G. Clark, "Privacy, Property, Freedom and the Family", in Philosophical Law, ed. Richard Brunaugh, 1978, 167-187, p. 171, "privacy is ... a right historically and practically linked with the ownership of property".
58. Stig Stromholm, Rights of Privacy and Rights of the Personality, 1967, p. 36.
59. Raymond Wacks, The Protection of Privacy, 1980, p. 5.
60. For a compact listing of British court decisions before 1890, see Don R. Pember, Privacy and the Press, 1972, Appendix B, p. 253. Similar text book itemizations of cases go some way to discounting privacy as "distinguished by its almost uniform absence, not only from the of the law reports but also from the very lexicon of our legal studies", Edward F. Ryan, "Privacy, Orthodoxy and Democracy", The Canadian Bar Review, 51, March 1973, 84-92, p. 84.



61. P. Allen Dionisopoulos and Craig R. Ducat, The Right to Privacy, 1976, p. 31. See also Julianne Zatz, "The Right to Privacy: Ambiguities in Law and Liberal Theory", unpubl. Ph.D. Thesis University of Minnesota, 1978, p. 105, ("the protection of privacy within the Anglo-American law has historically depended upon its formulation as a set of claims to the right to property"), and David M. O'Brien, Privacy, Law and Public Policy, 1975, p. 5, ("In both United States and English Law a property right was essential to any remedy for unauthorized intrusions or invasions of private affairs").
62. Prince Albert v. Strange (1849), 2 De G. & Sin. 652, English Reports, 64, 223-321, p. 301. Defendant's counsel for his part, stressing that (p. 305) in regard to the argument "that privacy is the essence of property ... the question is not, what is right and fitting to be done, but what is the law of the land", claimed that "the notion of privacy is a notion altogether distinct from that of property".
63. Ibid., p. 313. The Vice-Chancellor had previously declared that (p. 312) "upon the principle ... of protecting property ... the common law ... shelters the privacy and seclusion of thoughts and sentiments committed to writing, and desired by the author to remain not generally known". Walter F. Pratt, "The Warren and Brandeis Argument for a Right to Privacy", Public Law, Summer 1975, 161-179, p. 167, warns that "although 'privacy' was used repeatedly by the Vice-Chancellor ... the word was no more than ancillary to the breach of trust and property doctrines".
64. Samuel H. Hofstadter and George Horowitz, The Right to Privacy, 1964, p. 12.
65. Louis Nizer, "The Right of Privacy", Michigan Law Review, 39, February 1941, 526-560, p. 534-535. See also Walter F. Pratt, Privacy in Britain, 1979, p. 53, "What protection there was depended upon the existence of a special relationship ... or upon injury done to property or reputation", and Albert E. Harum, "Rights of Privacy in Europe", American Bar Journal, 56, July 1970, 673-677, p. 674, "England has displayed a reluctance to recognize infringement of privacy as a tort, preferring to deal with it as 'watching and besetting', trespass to property, or by belaboring the facts in a particular case to bring them under an existing and recognized tort classification, such as defamation". The contemporary position is confirmed by British and American writers alike. See for instance, Justice, Privacy and the Law, 1970, p. 2, para. 5, "such protection as privacy enjoys under our law is the fortuitous by-product of laws



65. Contd.  
designed or evolved for other purposes"; K.W.B. Middleton, "A Right to Privacy", The Juridical Review, 8, August 1963, 178-189, p. 181, "Personal privacy, where there is no question of proprietary right, implied contract, or breach of confidence, is probably only protected if the law of defamation can be applied; James K. Weeks, "Comparative Law of Privacy", Cleveland-Marshall Law Review, 12, September 1963, 484-503, p. 489, "an individual's rights ... are protected in English courts under the guise of ordinary actions for defamation, trespass, breach of contract, or copyright infringements. Invasions of privacy are regarded by English courts as an 'element of parasitic damages' which attach as a result of an injury to some other legally protected interest. Where there is no invasion of a property right or injury to reputation there is no separate action in English courts".
66. Herbert S. Hadley, "The Right to Privacy", Northern Law Review, October 3, 1894, 9-21, p. 11.
67. Edward A. Shils, "Privacy and Power", in Contemporary Political Science: Toward Empirical Theory, ed. Ithiel de Sola Pool, 1967, 231-276, p. 236-237, defines 'amount of privacy' as "the proportion of the total range of activity and thought which was disclosed only to those with whom the actors chose to share it through an act of voluntary self-disclosure".
68. Edward A. Shils, "Privacy and Power", in Computer Privacy, Hearings, 1968, 231-247, p. 34. Maurice Cranston concurs, "The Right to Privacy 1: As a Legal and Social Right", The Listener, July 4, 1974, 11-12, p. 12, and says that "the Victorian period ... was undoubtedly an age when people had a very elaborate conception of privacy and a very great respect for it as well".
69. "To posit a monolithic 'Victorian mind' or even a set of 'Victorian middle-class values' is hazardous", Donald J. Olsen, The Growth of Victorian London, 1976, p. 29.
70. Robert Kerr, "Observations on the Plan of Dwelling-Houses in Towns", The Builder, 66, February 3, 1894, 89-90, p. 89, reporting on the view "he had seen argued".
71. "Law and Privacy", Scribner's Magazine, 9, February 1891, p. 261.
72. Walter F. Pratt, Privacy in Britain, 1979, p. 206.



73. "Privacy in a sense is a very bourgeois virtue", Arthur Brittan, The Privatised World, 1977, p. 46. Howard B. White takes the view, "The Right to Privacy", Social Research, 18, June 1951, 171-202, p. 183, that "historically the protection of privacy has been largely the protection of the bourgeois way of life".
74. David J. Seipp, The Right to Privacy in American History, July 1978, p. 87. Seipp argues vigorously against an elitist construction of the American scene.
75. "The concept of the 'separation of spheres'. By this was meant the organization of society into a public and private life", Leonore Davidoff and Catherine Hall, "The Architecture of Public and Private Life: English Middle Class Society in a Provincial Town, 1780-1850", to be published in The Pursuit of Urban History, eds. Anthony Sutcliffe et al., 1983, Mimeo, p. 1.
76. Hans Gerth and C. Wright Mills, Character and Social Structure, 1954, p. 283.
77. David H. Flaherty, Privacy in Colonial New England, viii.
78. Lionel Trilling, "Sincerity: Its Origin and Rise", in Sincerity and Authenticity, 1972, 1-25, p. 24.
79. Edward A. Shils, "Privacy: Its Constitution and Vicissitudes", Law and Contemporary Problems, 31, Spring 1966, 281-306, p. 304. The association more commonly put forward is linear. "Privacy is closely related to individualism. The idea of the sacredness of privacy grew with the growth of individualism", Carl J. Friedrich, "Secrecy versus Privacy: Democratic Dilemma", in Privacy, eds. J. Roland Pennock and John W. Chapman, 1971, 105-120, p. 115. "Privacy became valued as individualism and the ego became valued", Time Essay, "In Defense of Privacy", Time, July 15, 1966, 22-23, p. 23.
80. Theodor Geiger, On Social Order and Mass Society, 1969, p. 179.
81. John R. Hale, Renaissance Europe, 1480-1520 (London: Collins), 1971, p. 125.
82. Emile Karofiol, "The Right to Privacy and the Sidis Case", Georgia Law Review, 12, Spring 1978, 513-534, p. 514.
83. Alan F. Westin, Privacy and Freedom, 1967, p. 21.
84. Paul A. Freund, "Privacy: One Concept or Many?", in Privacy, eds. J. Roland Pennock and John W. Chapman, 1971, 182-198, p. 187.



85. Alan F. Estlin, Privacy and Freedom, 1967, p. 21.
86. Maurice Cranston, "The Right to Privacy 2: As a Human Right", The Listener, July 11, 1974, 44-45, p. 44.
87. Edward A. Shils, "Privacy and Power", in Computer Privacy, Hearings, 1968, 231-247, p. 232.
88. John C. Raines, Attack on Privacy, 1974, p. 38. For an explicit expansion-contraction model see Guido Martinotti, "La Difesa Della 'Privacy'", Politica Del Diritto, pt. 1, 2, December 1971, 749-779.
89. Annerose Schneider, "Patterns of Social Interaction", in The Use of Time, ed. Alexander Szalai, 1972, 317-333, p. 321. Thus, "audience segregation" is increased - Erving Goffman, The Presentation of Self in Everyday Life, 1959, p. 49.
90. Barbara Laslett, "The Family as a Public and Private Institution: An Historical Perspective", Journal of Marriage and the Family, 35, August 1973, 480-492, p. 486.
91. Thomas H. O'Connor, "The Right to Privacy in Historical Perspective", Massachusetts Law Quarterly, 53, June 1968, 101-115, p. 109.
92. Eric Josephson, "Notes on the Sociology of Privacy", Humanitas, 11, February 1975, 15-25, p. 19.
93. Edward A. Shils, "Privacy: Its Constitution and Vicissitudes", Law and Contemporary Problems, 31, Spring 1966, 281-306, p. 292.
94. Paul A. Freund, "Privacy: One Concept or Many", in Privacy, eds. J. Roland Pennock and John W. Chapman, 1971, 182-198, p. 188.
95. Edward A. Shils, "Privacy: Its Constitution and Vicissitudes", Law and Contemporary Problems, 31, Spring 1966, 281-306, p. 288-289.
96. Adna F. Weber, The Growth of Cities in the Nineteenth Century, 1899, Cornell Reprints in Urban Studies (Ithaca, New York: Cornell University Press), 1963, p. 432.
97. Privacy "is essentially a problem pertaining to man's relationship to man and to man's relationship to government", Daniel J. Dykstra, "The Right Most Valued by Civilized Man", Utah Law Review, 6, Spring 1959, 305-322, p. 305.

98. Mervyn Jones, Privacy, 1974, p. 17.
99. Glenn Negley, "Philosophical Views on the Value of Privacy", Law and Contemporary Problems, 31, Spring 1966, 319-325, p. 319.
100. Chester C. Bennett, "Secrets are for Sharing", Psychology Today, 21 February 1969, 30-34, p. 31.
101. Thomas H. O'Connor, "The Right to Privacy in Historical Perspective", Massachusetts Law Quarterly, 53, June 1968, 101-115, p. 109.
102. Charles A. Reich, "The New Property", Yale Law Journal, 73, April 1964, 733-787, p. 785.
103. J. Roland Pennock and John W. Chapman, "Preface", to Privacy, 1971, vii-x, p. vii.
104. Mervyn A. Murch, "Privacy - No Concern of Social Work?", Social Work Today, 2, June 3, 1971, 6-8, p. 7.
105. Stanley I. Benn, "The Protection and Limitation of Privacy", Australian Law Journal, 52, Pt. 2, December 1978, 686-692, p. 691.
106. Paul Halmos, Solitude and Privacy, 1952, p. 122.
107. Elizabeth Burns, Theatricality, 1972, p. 94.
108. Edward A. Shils, "Privacy: Its Constitution and Vicissitudes", Law and Contemporary Problems, 31, Spring 1966, 281-306, p. 292.
109. Stanley I. Benn, "The Protection and Limitation of Privacy", Australian Law Journal, 52, Pt. 2 December 1968, 686-692, p. 686.
110. Edward A. Shils, "Privacy: Its Constitution and Vicissitudes", Law and Contemporary Problems, 31, Spring 1966, 281-306, p. 301.
111. Walter F. Pratt, Privacy in Britain, 1979, p. 101.
112. Ibid., p. 84.
113. Martin Bulmer, "Privacy as an Issue Affecting Social Research: A Note of Caution", in Data Protection and Social Science Research, eds. Ekkehard Mochmann and Paul J. Muller, 1979, 180-212", has analyzed the levels of interest in the census since 1920 as measured by a) Debates in the House of Commons, 1920-1975 (Table 5, p. 188 itemizing number of columns in Hansard,



113. Contd.  
duration, and number of M.P.'s who spoke),  
b) Numbers of Parliamentary Questions asked about the Census of Population, 1921-1971 (Table 6, p. 194 recorded by year before, year of and year after the census), c) The Content of Parliamentary Questions about the Census, 1921-1972 (Table 7, p. 195). He concludes that "the taking of the Census ... has been a minor issue without much political attraction until recently. The amount of time devoted to it has been comparatively slight. Interest in the subject has been low (p. 188). Nevertheless, certain trends are discernible on privacy and confidentiality. The evidence shows that in recent censuses privacy and confidentiality have become very much more salient issues. Though present to some extent in 1921 and 1950, it is only in 1970 and 1975 that they emerged strongly (p. 189). Up to 1971, attempts to add extra questions have been as noticeable as criticisms of new ones (p. 190)".
114. Walter F. Pratt, Privacy in Britain, 1979, p. 101.
115. Bernard K. Sandwell, "The Privacy Agent", in The Privacy Agent and Other Modest Proposals (London: J.M. Dent), 1928, p. 78.
116. To determine, for example, the accuracy of judgments like Barry Cox's, "Privacy and the Abuse of Information", in Civil Liberties in Britain, 1975, 291-313, p. 313, that "privacy is one of our rights that has undoubtedly been eroded rather than strengthened since the 1930's".
117. Chester C. Bennett, "Secrets are for Sharing", Psychology Today, 2, February 1969, 30-34, p. 31.
118. Maurice Cranston, "The Right to Privacy 2: As a Human Right", The Listener, July 11, 1974, 44-45, p. 44. For a list of legislative initiatives between 1950 and 1971 see Donald Madgwick and Tony Smythe, The Invasion of Privacy, 1974, p. 12.
119. Derek Hene, "Towards the Protection of Privacy by Law", in Privacy and Human Rights, ed. Arthur H. Robertson, 1973, 174-181, p. 175. Stanley I. Benn, "The Protection and Limitation of Privacy", Australian Law Journal, 52, Pt. 2 December 1968, 686-692, p. 686, writes that "so long as one could exclude neighbours' or police curiosity by closing the front door and drawing the curtains, property rights were sufficient to preserve one's interest in 'being let alone'. But electronic devices make it possible for inquisitive people to let one's property alone while still intruding on one's privacy".



120. Courtney S. Kenny, Cases on the Law of Tort (Cambridge: Cambridge University Press), 3rd ed., 1920, p. 367.
121. David W. Marcell, "Privacy and the American Character", South Atlantic Quarterly, 66, Winter 1967, 1-12, p. 3.
122. Maurice Cranston, "A Private Space", Social Science Information, 14, Summer 1975, 41-57, p. 41.
123. David W. Marcel, "Privacy and the American Character", South Atlantic Quarterly, 66, Winter 1967, 1-12, p. 3.
124. Harold D. Lasswell, "The Threat to Privacy", in Conflict of Loyalties, ed. Robert M. MacIver, 1952, 121-140, p. 133.
125. Maurice Cranston, "A Private Space", Social Science Information, 14, Summer 1975, 41-57, p. 41.
126. Donald J. Olsen, The Growth of Victorian London, 1976, p. 220, talks of the "Victorian householder's ... great-grandchildren ... singlemindedly" removing "partitions and closed doors".
127. Richard M. Weaver, "Individuality and Modernity", in Essays on Individualism, ed. Felix Morley, 1958, 63-81, p. 72.
128. Abraham Hoffer, "The Importance of Privacy", Community Planning Review, 19, Summer 1968, 13-16, p. 15.
129. "It is a commonplace that privacy is nowadays everywhere in danger", Maurice Cranston, "A Private Space", Social Science Information, 14, Summer 1975, 41-57, p. 41.
130. Hendrik M. Ruitenbeck, The Individual and the Crowd, 1965, p. 98.
131. Harold D. Lasswell, "The Threat to Privacy", in Conflicts of Loyalties, ed. Robert M. MacIver, 1952, 121-140, p. 121.
132. Ernest Van den Haag, "On Privacy", in Privacy, eds. J. Roland Pennock and John W. Chapman, 1971, 149-168, p. 160. Ted J. Rakstis and Wilbur Cross, "A Plea for Privacy", Kiwanis Magazine, 48, December 1962 - January 1963, 23-24 and 82-83, p. 83, writes of "the decline of privacy".
133. James M. Mackintosh, Housing and Family Life, 1952, p. 176.



134. Francis M.L. Thompson, "Introduction: The Rise of Suburbia", in The Rise of Suburbia, 1982, 2-25, p. 13.
135. Barbara Laslett, "The Family as a Public and Private Institution: An Historical Perspective", Journal of Marriage and the Family, 35, August 1973, 480-492, p. 489.
136. Richard Hoggart, The Uses of Literacy, 1957, p. 33.
137. "designed to 'avoid conversation in the dining-room being overheard in the kitchen", Ian Davis, "A Celebration of Ambiguity", in Dunroamin: The Suburban Semi and Its Enemies, eds. Paul Oliver, Ian Davis and Ian Bentley, 1981, 77-102, p. 91.
138. See Charles B.P. Bosanquet, London: Some Account of Its Growth, Charitable Agencies and Wants, 1868, p. 13, "the Englishman is a non-gregarious animal ... and even in his coffee-house and eating-room, he boxes himself up between high partitions", and W.M. Ackworth, The Railways of England, 5th ed., 1900, p. 195-196, "we maintain in England our 'lonesome stuffy compartments' simply because we like them ... I would rather be 'boxed up' in a Midland third-class than have 'the privilege of enjoying the conversation of the general public' in the most luxurious car that Pullman ever fashioned". Both quoted by Donald J. Olsen, The Growth of Victorian London, 1976, p. 23.
139. Emile Karofiol, "The Right to Privacy and the Sidis Case", Georgia Law Review, 12, Spring 1978, 513-534, p. 513.
140. A.R. Forbes, "A Psychologist Looks at Privacy", in What Price Privacy, 1975, 51-64, p. 54.
141. William Hurst, "Law and the Limits of Individuality", in Social Control in a Free Society, ed. Robert E. Spiller, 1960, 97-136, p. 134.
142. Martin Pawley, The Private Future, 1973, p. 38.
143. Paul Halmos, Solitude and Privacy, 1952, p. 17.
144. Francis M.L. Thompson, "Introduction: The Rise of Suburbia", in The Rise of Suburbia, 1982, 2-25, p. 13.
145. Paul Halmos, Solitude and Privacy, 1952, p. 116. See also p. 119, "One lives one's life in the family and one has social contacts, makes social excursions instead of the other way round, that is, instead of living in society and withdrawing from it occasionally according to one's need".

146. Martin Pawley, The Private Future, 1973, p. 195.  
Elizabeth Burns, Theatricality, 1972, p. 94, speaks of  
"the withdrawal into private life, characteristic of  
bourgeois capitalist society".
147. Arthur S. Miller, "Privacy in the Corporate State",  
Journal of Public Law, 22, 1973, 3-25, p. 35. See  
also Philip Slater, The Pursuit of Loneliness, 1971,  
p. 9, "We seek more and more privacy and feel more  
and more alienated and lonely when we get it".
148. John J. Honigmann, Culture and Personality, 1954, p. 356.  
See also Edmund Leach, A Runaway World?, 1968, p. 46,  
"It is significant that most of us are so deeply  
committed to being alone in a crowded world that we  
turn the whole problem back to front; we worry about  
privacy rather than loneliness".
149. Carl D. Schneider, Shame, Exposure and Privacy, 1977,  
p. 152.
150. Willard Hurst, "Law and the Limits of Individuality",  
in Social Control in a Free Society, ed. Robert E.  
Spiller, 1960, 97-136, p. 134.
151. Alvin W. Gouldner, The Dialectic of Ideology and  
Technology, 1976, p. 103.
152. Hannah Arendt, The Human Condition, 1958, p. 6.
153. Herbert Marcuse, One Dimensional Man, 1968, p. 71.
154. August Heckscher, "The Reshaping of Privacy",  
American Scholar, 28, Winter 1958-1959, 11-20, p. 19  
and 20.



## CHAPTER SIX

'Examining the Social Distribution of  
Privacy Prospects and Preferences'

The definition of privacy as 'when access between persons and contextual outsiders is intentionally and acceptably restricted', raises the question of what limits the need for privacy to be interpersonally and socially sanctioned puts on privacy's situational and cultural variability. That is to say, what abridgements of which interactions between whom, when, where, and why, are likely to be sought and accepted as appropriate? The preceding chapters have provided some answers within historical settings, and investigation now takes a more analytical turn in order to explore the question further.

Assuming that the circumstances in which access is restricted, or for that matter not restricted, are systematically rather than randomly assessed, the sociologist is intrigued by the factors which influence whether privacy is wanted and whether it is validated. The remaining chapters attempt to discover in contemporary settings what selected contextual features have to do with this patterning of privacy. A loose framework for discussion is provided by the definition's contention that although the dynamics of privacy's "contextual complexity"<sup>1</sup> are far from clear, a broad indication of what 'it all depends' on can be given. The assertions made are firstly that privacy is the prerogative and/or responsibility of those classified as 'persons', secondly that privacy is the outcome of discriminations between 'insiders' and 'outsiders' according to the details of the occasion, and thirdly that privacy is contingent /



contingent on the whole enterprise being in a multifaceted sense judged legitimate, so that access is indeed 'acceptably' restricted. Gathering together the research efforts of several disciplines, I test out, refine and expand on these assertions, considering a number of factors which contribute to the activation of privacy and the forms privacy takes. Thus the present chapter demonstrates the dependence of privacy entitlements and obligations upon recognition as a person. It also illustrates how, once the basic requirement is satisfied, different aspects of people's identity such as ethnicity, personality, age, gender and SES further influence privacy prospects. This separating out of 'actors' to see how their attributes affect privacy aspirations and adjudications is very much an investigative device, for of course privacy occurs in cooperation with others in concrete settings. My definition talked of the restriction of access between persons and contextual outsiders. Hence the seventh chapter discusses where lines between insiders and outsiders are drawn, in accordance with the activity or information at issue and with the relationship that exists between potential interactive partners. It examines on the practical level how and why "privacy boundaries are differently defined for different relationships".<sup>2</sup> The concluding chapter looks at the contribution of physical factors to whether and how access is restricted, before reviewing the /

the range of different scale elements found to enter into the acceptance and implementation of privacy.

As intimated at the beginning of Chapter Two the fund of available information is far from ideal, and this may explain some of the reticence about accounting for the occurrence of privacy. Just as "limits" were "set to retrospective inquiry",<sup>3</sup> there is no prospect of dealing adequately with ambitious propositions like Shorter's that "privacy decreases from west to east",<sup>4</sup> or Bettelheim's that "the more class structured a society ... the more privacy do its privileged members demand".<sup>5</sup> However, while no neatly packaged "cumulative literature on privacy per se exists",<sup>6</sup> a substantial amount of writing with a direct or indirect bearing on the topic can be amassed.<sup>7</sup> Interest has certainly gathered pace rather slowly since Simmel's 1906 essay marked, according to Margulis, "the emergence of privacy as a specific area of study".<sup>8</sup> Graham Wallas wrote in 1908 of privacy as "a subject which would repay special and detailed study",<sup>9</sup> and Park and Burgess described "the literature on the subject in its relation to personal development as fragmentary but highly promising for future research".<sup>10</sup> Yet it took the jury bugging debacle of the late fifties<sup>11</sup> to alert academics to the privacy implications of their own involvement<sup>12</sup> as what Berger calls "professional peeping Toms".<sup>13</sup> Until recently "social and behavioral scientists have generally /



generally not seen the issue of privacy as central or as especially worthy of their empirically directed energies".<sup>14</sup> Calls have gone unheeded<sup>15</sup> and there remain many neglected areas. For example, "our empirical knowledge of the ways in which privacy is structured among different subcultures is embarrassingly meager".<sup>16</sup> Despite this tendency for privacy to remain "outside the domain of empirical investigation",<sup>17</sup> research is being undertaken. Early seventies complaints about the absence of "empirical studies of human privacy"<sup>18</sup> or "systematic social or behavioral studies of privacy"<sup>19</sup> would now be even less well founded. A more justified concern is the quality of research enquiries. Fears are expressed, because "privacy is rich in metaphor and mythology and is sufficiently opaque to offer opportunity for endless commentary",<sup>20</sup> that "perhaps no subject other than privacy has generated so much discussion with so little result".<sup>21</sup> Although prone to exaggeration, there is a worrisome "disparity between the amount of public concern and debate and the level of academic analysis".<sup>22</sup> Whilst the gap is being closed, not all research takes an obviously valuable tack. It might be questioned, for instance, how much more research is needed of the kind that shows how "respondents who felt their vacation micro-neighborhood lacked privacy spent more time fishing (16 minutes per day) than those who felt privacy was adequate".<sup>23</sup> But it is unduly sweeping and pessimistic to conclude that "neither /

"neither the social sciences nor the design professions have made any significant contribution to our knowledge of the empirical relationship between privacy and behavior or social conditions".<sup>24</sup>

Until they are brought together and examined, we are unable to determine the extent to which research findings bear out the belief that "generalizations about privacy are unlikely to prove useful".<sup>25</sup> For the work done on privacy has characteristically been multi-not inter-disciplinary. There has been little sense of critically consolidating a corpus of knowledge. Notions about privacy have tended to be thrown out to whoever will listen, rather than tossed into a ring surrounded by observers intent on comparison and evaluation. The lack of cross-fertilization exists even within subject areas. The legal, computer and 'personal space' literatures are more integrated, but pockets of concentrated attention such as questionnaire anonymity or office landscapes, have remained relatively isolated. Even those engaged in the development of measuring instruments are apparently sometimes unaware of similar methodological efforts. Darhl Pederson's study "to determine types of privacy based upon the factor analysis of a self-report questionnaire" is useful in that its six-factor finding (solitude, isolation, intimacy with family, intimacy with friends, anonymity and reserve)<sup>26</sup> comes close enough to give weight, if not full corroboration, to Nancy Marshall's list of solitude /



solitude, seclusion, intimacy, anonymity, reserve and non-neighboring.<sup>27</sup> But no mention is made of Marshall's work,<sup>28</sup> as reported in several articles during the early seventies<sup>29</sup> and used since in empirical enquiries other than her own.<sup>30</sup> A working of the same ground is likely to be more productive if it is a conscious reworking, just as knowing what has already been tried and discovered is a good basis for the constructive pursuit of new leads. Given all that has been written over nearly a century, and before much more research within discrete disciplinary compartments gets underway, it is important to assemble and assess the hypothesized and investigated connections between situational particulars and privacy outcomes.<sup>31</sup>

The central issue is whether some of the factors which govern who can, should or will avail themselves of privacy, vis-à-vis whom, what for, where and how, have been satisfactorily isolated. Complicating the task are the interactive effects of situational particulars, whose configurations typically determine privacy potentialities. Goffman's comment about personal space, that "the legitimate claim to it varies greatly according to the accountings available in the setting and the bases for these will change continuously",<sup>32</sup> appears equally applicable to privacy. The impact of one contextual component depends in part on its combination with others, as Stanley Benn makes clear regarding "what is private and what is not". For "within the same culture, the same /

same matter may count as private or not relative to the social nexus in which it is embedded".<sup>33</sup> Consistencies behind the fact that "privacy is not context free"<sup>34</sup> are only slowly and partially being revealed, using rather unsophisticated methodologies. But while aware of these deficiencies, the time has come to pull together findings about the patterning of privacy and see what they amount to.

The notion that "the right to privacy is fundamentally connected to personhood"<sup>35</sup> is not that unusual or controversial. "The right to privacy ... commonly depend(s) upon a rationale devoted to the recognition and protection of personhood"<sup>36</sup> because "some minimal right to immunity from uninvited observation and reporting is required by certain features of our conception of a person".<sup>37</sup> Though few definitions deliberately highlight the connection, many refer to privacy's part in the process of self-definition or stress privacy's significance as an expression of self-determination. My emphasis is on privacy as a hallmark of socially defined persons which, ethnocentrically at least, can be shown to fit well with what happens. Those who, in the short or longer term, do not measure up as 'full persons'<sup>38</sup> are normally neither accorded privacy themselves nor shown deference by others' exercise of it. This denial of privacy, evidenced by the way "'open persons'" are "engaged at will"<sup>39</sup> and 'non persons' are treated by "others as if they were not there at all",<sup>40</sup> indicates failure to attain or to sustain status /



status as a bona fide community member. People judged 'inadequate' because of some handicap may never, particularly if institutionalized,<sup>41</sup> have the membership marker bestowed upon them. Those temporarily unable to function as 'normal persons' suffer similar "encroachments"<sup>42</sup> in psychiatric facilities, where "personal privacy is minimal"<sup>43</sup> and which presume "no areas in the patient's life ... lie beyond" the authorities' "legitimate interest".<sup>44</sup> The same "non-negotiable ... forced exposure ... and ... forced spectatorship"<sup>45</sup> is the lot of 'anti-social' persons who, by breaking the rules, forfeit their privacy "as one of the concomitants of their confinement"<sup>46</sup> in "prison environments" that are "overtly even punitively non-private".<sup>47</sup> The "classic type of 'non-person' is the servant"<sup>48</sup> who, because obliged to render "unlimited service"<sup>49</sup> lacks privacy, and because of social invisibility<sup>50</sup> is not cut off from what the "'significant'"<sup>51</sup> person would be. Richard Wright, as a black bell-boy before whom white prostitutes paraded naked, notes how "our presence awoke in them no sense of shame whatever, for we blacks were not considered human anyway".<sup>52</sup> Any strategic advantage exploitable from the 'no man is a hero to his valet' syndrome, has to be offset by the disrespect implied and the distress caused by being "treated as a thing not a person".<sup>53</sup> It is clear that "a conception of what it is to be a person",<sup>54</sup> or rather a socially responsible person, underwrites conventional /

conventional allocations of privacy. My hunch is that though different categories of people may be deemed ineligible for privacy in other cultures, a similar demarcation principle is employed.

The 'person' yardstick certainly seems to operate within the individual life cycle. "Ceremonially speaking, children are not complete persons"<sup>55</sup> and to the extent that "starting from the secretless state of infantile fusion and communion"<sup>56</sup> they are only "potentially persons",<sup>57</sup> they are "peculiarly vulnerable to invasion of privacy".<sup>58</sup> At the other end of the life span it is the senile as "lapsed persons"<sup>59</sup> and the infirm who are often deprived.<sup>60</sup> Privacy opportunities appear to correspond fairly closely with movement towards, and in some cases away from, full member status. The broad pattern in Western societies, subject to fluctuations associated with career, family and housing changes,<sup>61</sup> is of privacy chances increasing with age, until reversion in old age to greater dependency. The contentions that "we do not ordinarily accord much privacy to infants or very young children"<sup>62</sup> and that "children are afforded less privacy than adults"<sup>63</sup> are borne out by everyday experience. The way, for instance, "personal places" such as "pockets, drawers, desks, rooms" are not "sacrosanct", means that "the lack of privacy is an almost pervasive fact of life for most children".<sup>64</sup> Testing out the prediction "that /



"that privacy would increase as the child develops",<sup>65</sup>

Parke and Sawin analyzed "the use of privacy rules such as knocking on a door", within forty-eight

middle class families participating in the Fels

Longitudinal Study. They found that parents knocked

"more on both bedroom and bathroom doors with older

children".<sup>66</sup> Another practical example of "norms for

privacy and intrusion, as for other behaviors" being

"different for children of different ages"<sup>67</sup> is an

investigation of adult-child interactions in a more

public setting. Fry and Willis found that ten was

the age at which "a child is reacted to as an adult"

if he/she stands too close in a cinema queue.<sup>68</sup>

Younger children got away with the same behaviour

presumably because eight and five year olds were not

perceived as sufficiently developed and aware of social

norms for their lack of conformity to be interpreted as

intentionally or significantly intrusive. Privacy is

particularly "problematic during adolescence"<sup>69</sup> with

much of the friction between parents and children

generated by symbolic as well as practical considerations.

"From adolescence on, the ability to control", as Wolfe

and Laufer put it, "increases generally in all areas".<sup>70</sup>

There are no longitudinal studies and the age factor in

the middle years does not attract comment, perhaps

because it is overridden by actors' other characteristics.

Age resurfaces as important when advancing years bring

a /

a "greater likelihood of losses of all types",<sup>71</sup> including independent standing in the community. Whether living alone or very much not alone in an institution, "the older adult frequently is restricted in his freedom to elect privacy".<sup>72</sup> "It's true that solitude can be deadly for the older person, but so can a lack of privacy",<sup>73</sup> and there often exists less scope than previously for making adjustments to suit requirements.

If recognition as a 'person' is a critical element in conditioning capacity for privacy, then just who a person is will increase or decrease the likelihood of certain levels and kinds of privacy being sought and proving attainable. Everyday experience suggests that not everyone has the same desire or tolerance of privacy, nor an equal chance of satisfying those aspirations, whatever forms they take. When you look for patterns and explanations, the research on connections between personal characteristics, attitudes towards privacy, and opportunities for privacy, is neither extensive nor thorough, but would certainly benefit by the results being better coordinated and disseminated. Early comment on how "among other differences that mark men from one another, the preference for privacy in some and for publicity in others is very noticeable"<sup>74</sup> and how "of course the importance attached to this privacy varies in individuals",<sup>75</sup> has been followed up in fits and starts. At the macro end are cultural contrasts /



contrasts between nationalities, which persist mostly as a sort of folk wisdom, while on a more micro scale are attempts to predict privacy preferences on the basis of personality traits. Alongside, and somewhat more solid, are the relationships forged between privacy and sub-populations according to SES, gender, and age. Running throughout are unresolved problems as to the nature of privacy (how much sense does it make to treat privacy as a single preference or commodity?), hierarchies of influence (do certain person characteristics override others in determining privacy wishes and achievements?), and the interdependence of preferred and perceived opportunities for privacy (to what extent do privacy experiences and expectations enter into what is or is said to be desired?). Here again though research is beginning to throw some light upon these matters.

There is a lot of talk about privacy's "cultural relativity",<sup>76</sup> the "considerable difference in the norms or practices of privacy"<sup>77</sup> that make people "in different countries ... sensitive about different things"<sup>78</sup> and "accept varying levels and forms of personal privacy".<sup>79</sup> Both the relative strength of the wish for privacy and the extent to which others' privacy is facilitated are discussed. The "proverbial English reserve and need for privacy",<sup>80</sup> in line with "the much greater desire for privacy ... found among Northern as compared to Southern Europeans",<sup>81</sup> is said to be matched by "the British respect /

respect for privacy",<sup>82</sup> "a deep reluctance to intrude unnecessarily into a man's privacy".<sup>83</sup> While Americans have "decidedly less need for privacy in certain regions of life"<sup>84</sup> and Arabs "no concept of a private zone outside the body",<sup>85</sup> the "British pattern" supposedly ensures "less active curiosity on the part of one individual about another" and a "striking acceptance of the legitimacy of the privacy of one's fellow man".<sup>86</sup> Comparisons are drawn between the extent to which Germans, Britons and Americans are "protected in their privacy against obtrusions from their fellows ... and ... their government".<sup>87</sup> Although such observations may be entirely plausible, and they have come from different sources over quite a period of time, the experimental work to test their accuracy and elaborate upon them has not been undertaken.<sup>88</sup> A shift in the way contrasts are couched, so that privacy is described as a "need largely determined by the culture"<sup>89</sup> instead of as varying "very greatly among different races",<sup>90</sup> registers the discrediting of national character stereotyping rather than any increase in understanding. It is no longer fashionable to compare "the typical American" with "the typical German" positing U-type (American) and G-type (German) personality structures, as did Kurt Lewin.<sup>91</sup> But the whole question of cultural differences, the existence and nature of baseline attitudes towards privacy plus the extent to which they are reflected in political and social organization, remains obscure and essentially impressionistic.

Some /



Some headway is being made in efforts to chart interconnections between individual character and regard for privacy. This is despite the various classificatory systems, measuring devices and populations used, and, even where sufficient overlap exists, exaggerated claims about the unanimity of results. The issue as to whether there are "personality traits which accompany the need for privacy"<sup>92</sup> arises whenever similarly placed people do not seem bent on securing similar degrees of privacy. Among mothers of pre-school children, for example, Ruth Smith et. al. found "a wide variation in the level of location privacy" within the home, prompting the suggestion that "some may be more privacy oriented than others".<sup>93</sup> Abraham Maslow believed that "self-actualizing people ... positively like solitude and privacy to a definitely greater degree than the average person".<sup>94</sup> Peter Kelvin postulates "extreme attitudes among those who cannot cope with ambiguity, and mostly, though not wholly, in the direction of limiting privacy".<sup>95</sup> Others have explored how the size, shape and penetrability of 'body-buffer zones' (those frontiers of the person that Auden felt went some thirty inches from his nose<sup>96</sup>), vary among 'normal' and 'abnormal' personalities.<sup>97</sup> But just how far does "past research" support the profile of "people with a high preference for privacy" as "more introverted than extroverted, logical and analytic rather than sympathetic and feeling", inclined "not to include themselves /

themselves in social groups" and "not express(ing) or need(ing) affection as much as people with low privacy preferences"?<sup>98</sup> For all its apparent reasonableness, a 'self-contained - privacy-seeker' connection is unconfirmed. Richard Vanderveer did find, when investigating 'privacy and the use of space among undergraduates' (N=495), that "introverts frequently used architectural refuges to help maintain distance".<sup>99</sup> But David Kutner failed to discover among his student subjects (N=120) any "significant correlations to show that certain individuals were more susceptible to the stress of visual exposure than others".<sup>100</sup> Little and Kane had to conclude from the scales administered to a group of students (N=48) that "a person's orientation" towards persons and things "is unrelated to privacy preference". In their view, "the very slight trend towards greater Total Privacy score for those high on person-orientation raises the possibility that privacy both frustrates and facilitates the goals of the person-specialist".<sup>101</sup> From a sample of Scottish housewives (N=30), Adrian Hill reports scores on the Eysenck Personality Inventory indicating "that extroverts have higher privacy standards than introverts".<sup>102</sup> The picture then as regards personality types and privacy dispositions is pretty confused. Perhaps more significant at this stage than any specific substantive contributions has been the attendant attempt to refine data collecting instruments. Nancy Marshall in particular has tried to distinguish between kinds of privacy wanted, so as to determine whether /



whether there is a "general trait of privacy preference" carried through into all contexts or whether people "prefer some means of privacy control over others".<sup>103</sup>

Her conclusion is that "although the six subscales might plausibly measure interchangeable means of gaining privacy in adaptation to variations in setting, the pattern of correlations indicated instead individual differences in preferred means of gaining privacy".<sup>104</sup>

Yet she still thinks it useful to compute and compare total Privacy Preference Scale scores, acknowledging "the 'privacy-prone' individual, who shows an inclination towards privacy in a wide variety of situations".<sup>105</sup>

When Barbara Kuper asks if privacy is "part of a general syndrome of reserve and lack of social contact" or are people "who most want privacy at home those who have a high level of contact in other areas?",<sup>106</sup> the suggestion that a search for privacy in one area might be compensation for its absence in another, implies a balancing up in order to satisfy some overall preferred level. Whilst the notion of a general privacy orientation seems acceptable, it is clearly important to be more discriminating in gathering data about preferences and relating these to personality or structural characteristics.

The value of greater precision shows up particularly in studies of how inclinations for privacy fluctuate over the life-cycle, especially since no longitudinal assessments are available. The straightforward assumption, given the practical /

practical pattern of privacy provision is that privacy's salience increases as children grow and develop. "As children get older their need for privacy increases"<sup>107</sup> with "adolescents" having a particularly "strong privacy need".<sup>108</sup> Others however want to argue that though "the ability ... to regulate the appearance and disappearance of their audience is lacking in infancy and childhood ... the privacy impulse is not at all inactive".<sup>109</sup> The finding that "as children develop, they make greater use of physical privacy markers"<sup>110</sup> would not be regarded as any more symptomatic of increasing desires than the fact that the "ability to define privacy" is "a function of age"<sup>111</sup> (and clearly partly attributable to linguistic competence). On the more conventional interpretation the shift in privacy meanings, noted by Wolfe and Laufer, from 'quiet' through 'controlling information' to 'aloneness' is seen as a progression, said "to parallel the development of the self".<sup>112</sup> The counter view maintains that "privacy meanings" vary "with the age" of children who "have different ways of interpreting privacy in ways that are meaningful to them".<sup>113</sup> In Barry Schwartz's words "the privacy need is simply" being "expressed differently", with "each stage of development" having "its own mode of privacy".<sup>114</sup> This modal approach gets some support from a study comparing the privacy wishes of junior college students (N=149) and their parents (N=101). "While both adults and students favored reserve, solitude, seclusion, and anonymity as means of gaining /



gaining privacy, adults were significantly more oriented toward reserve and non-involvement with neighbors, and students toward solitude and privacy with intimates".<sup>115</sup> Nevertheless an overall incremental interpretation is still intuitively appealing. Also far from settled, because so little work has been done, is what happens during adulthood. A British and an American survey, conducted at much the same time,<sup>116</sup> seem to provide contradictory answers, though they are responses to slightly different questions. Asked to rank "the importance of protecting people's privacy", the survey commissioned by the Younger Committee (a National weighted sample N=1596) found that the 18-30's age group and the over 65's gave privacy lower and higher ratings respectively.<sup>117</sup> The Minnesota Poll (a statewide randomly selected cross-section N=600), investigating "the tendency to value privacy", found that with increasing age from 17-60+ fewer people valued privacy.<sup>118</sup> In experimental work, Lawton and Bader reported an "observed age curve" of "wish for privacy among people not in institutions" which is steepest between 20 and 40.<sup>119</sup> Within the narrow range of undergraduate and graduate students (N=150), Parks reported "younger respondents scoring higher on total ATPS score" (Attitude Toward Privacy Scale, a 19-item Likert scale).<sup>120</sup> We just do not have enough comparable information to detect whether desires move in any definite direction once people have grown up. Even though the institutionalized /

institutionalized elderly are slightly better studied, the level of their concerns for privacy are little better understood. There is the danger, when research takes a snapshot at one point in time, of mistaking cultural for chronological change, plus so many of the variables are uncontrolled. Lawton and Bader's inquiry into "people's wishes for private or shared rooms in homes for the aged", concluded that "they do not necessarily have greater need for privacy than do younger people" since among "institution residents ... there is no overwhelming swell of preference for private rooms".<sup>121</sup> Pastalan also reports "low privacy preference scores among institutionalized elderly",<sup>122</sup> though in Peter Townsend's survey of new residents in British old age homes, almost two thirds of those "sharing a bedroom or a dormitory said they would prefer to have a single room if available", and all those already in such accommodation (87 out of 530) wanted to stay there.<sup>123</sup> Other attempts made in institutional settings to explain the differences between 'privacy-seekers' and 'non-seekers' or those for whom privacy is 'important' and 'does not matter',<sup>124</sup> are unfortunately vague about the proportions in each category. Not enough is yet known about the distribution of privacy aspirations to measure how well they fit with the types and amounts of privacy that are in practice made available.

Similar uncertainties about how much and which kinds of privacy people want and what opportunities they actually /



actually have, make it hard to ascertain whether there is a good or a bad match among the sexes between preferences and provision. Godkin's belief, expressed in 1890, was that "intrusion on privacy annoys women more than men".<sup>126</sup> In recent research Allen Parks recorded "female respondents scoring higher than males on total ATPS (Attitude Toward Privacy Scale) scores",<sup>127</sup> and R.J. Rankin's 'analysis of items perceived as objectionable' on the MMPI' (Minnesota Multiphasic Personality Inventory) found that "females reject significantly more items and each item more times than males".<sup>128</sup> In Argyle and Williams' experimental manipulations, females were more likely to feel observed,<sup>129</sup> and in Stephen Webb's study "perceived privacy deprivation" was "felt most acutely by females".<sup>130</sup> On the other hand, the Minnesota Poll found that more men valued privacy than did women, and the mainstream 'self-disclosure' literature has tended to support the image of women as more open and less concerned for privacy. Nancy Marshall believes her "findings, particularly the female preference for low self-disclosure, do not support the common stereotype about sex differences in this area".<sup>131</sup> Thus in a study by Derlega and Chaikin "subjects of both sexes rated ... a female stimulus person ... as better adjusted when she disclosed than when she did not".<sup>132</sup> Faced by "replication of Jourard and Lasakow's results (i.e. that males disclosed less than females<sup>133</sup>) numerous /

numerous investigations" and "a number of studies" reporting no sex differences, Paul Cozby was led to conclude that since "no study has reported greater male disclosure" it may be indicative of actual sex differences".<sup>134</sup> The strong possibility that men and women might favour different types of privacy has been explored but with rather mixed results. The "significant overall sex-difference" that Nancy Marshall found was "based on higher female scores on reserve, solitude, intimacy and anonymity",<sup>135</sup> with males showing "higher preference for seclusion".<sup>136</sup> Nathan Auslander, using his own 67-item instrument found "sex significantly related to privacy types" and among his subjects (N=203), females "more likely to favour spiritual aspects of privacy", males "more likely to be concerned with information management".<sup>137</sup> When Nancy Cohn however used "chi-square tests ... to compare men and women (N=30) for physical and emotional privacy needs ... no significant differences were found".<sup>138</sup>

The empirical situation is poorly documented and somewhat surprisingly, given traditional domestic-economic roles, privacy differentials have not featured strongly in accounts of the treatment people receive due to their sexual identity. Despite the advent of feminism, discussion of the extent to which and spheres in which "women in our culture are not generally allowed as much privacy as men"<sup>139</sup> has /



has not risen much above the anecdotal level. Research about sex effects could sound out, for instance, whether "we seem to feel that women have a right to more privacy than men"<sup>140</sup> and how far that is reconcilable with everyday practices. The occasional substantive investigations that have been conducted give a very fuzzy and incomplete picture. Mirra Komarovsky concluded from biographical documents that boys are allowed "a higher degree of privacy in personal matters than girls",<sup>141</sup> but twenty years later Altman, Nelson and Lett reported parents knocking less on the doors of rooms occupied by their sons than their daughters.<sup>142</sup> A subsequent study by Parke and Sawin revealed that "privacy behaviors are determined by the sex of both the occupant and the individual who is seeking access to the space", with "marked cross-sex effect(s)" on the incidence of knocking on both bedroom and bathroom doors and some discrimination between the two types of space.<sup>143</sup> New Zealand data derived from a multistage probability sample of over 1200 adults about the privacy they have and their reactions,<sup>144</sup> found "the degree of association between sex and privacy" to be "generally low", and below "traditional levels of significance for half the items". Although "females report having insufficient privacy (at home and in the neighbourhood) somewhat more frequently than males" and males were more likely to react positively when asked 'is it usually possible to be by yourself when you wish?', there /

there is a "paradox". "Females also have the higher percentage reporting (on four of the six items) that they 'never' have too little privacy", and there were no significant differences when asked 'do you feel you would like more privacy in your daily life?'.<sup>145</sup> One possible explanation could be that "the less privacy most people have, the less they miss it",<sup>146</sup> the converse of the Younger Committee survey finding that "people who have become accustomed to privacy prize it the more highly".<sup>147</sup>

This adaptive notion of privacy concerns adjusted to realities, surfaces again with its conscience salving potential intact, in connection with status. "If it is true, as it seems to be, that there is less privacy in the lower ranks of society than in the upper", writes Arnold Simmel, "privacy should be considered less important, less highly valued and less a matter of social prescription in the lower ranks".<sup>148</sup> The belief that "lower class persons ... lay much less store by the demand for privacy than the upper or middle-class person",<sup>149</sup> can in fact serve either the commentator resistant to social change or the more radical advocate, worried that "planners" are trying "to impose this essentially middle-class value upon the working classes".<sup>150</sup> Ideological commitments leave their imprints inasmuch as if privacy is held to be "enormously overrated as one of the linchpins of democracy" and "largely /



"largely a matter of contempt for the opinions and judgement of lesser mortals",<sup>151</sup> privacy is liable to be construed as "a minority concept".<sup>152</sup> If, on the other hand, "the notion that in supporting privacy one is somehow defending privilege is" dismissed as "about the most absurd idea yet to have emerged from the whole debate",<sup>153</sup> privacy can hardly be an "elitist term".<sup>154</sup> This clash of opinion between those convinced that "privacy is not a value salient for all people"<sup>155</sup> but "a preference ... mainly of the middle class and upper middle class",<sup>156</sup> and upholders of what Miller terms "the conventional wisdom" that "most people seek privacy, desire it, value it and otherwise hold it in high esteem",<sup>157</sup> cannot be conclusively resolved by reference to the 'facts'. The highest socioeconomic group surveyed for the Younger Committee gave privacy higher scores among the general issues than the other groups,<sup>158</sup> and in Minnesota the higher the income a higher percentage valued privacy.<sup>159</sup> A Harris Poll however on 'The Dimensions of Privacy' (a nationally representative cross-section N=1513), conducted for Sentry Insurance and presented to a House Subcommittee hearing on 'Public Reaction to Privacy Issues' in 1979,<sup>160</sup> shows no real difference in concern about threats to personal privacy, according to education, occupation or income. Apart from the polls that touch on the question there is little concrete evidence available. Merton felt in 1951 that "the salience of concern with privacy as a value" and "the respective /

respective degrees of importance assigned to ... various types of privacy ... in various social strata" were among the questions "calling for study by the sociologist and psychologist",<sup>161</sup> and basically they are still calling. Nancy Marshall is something of an exception among psychologists, who are the ones to have undertaken the measurement of privacy preferences, in using an adult as well as student populations, controlling for SES, and analyzing the factor's influence. But her investigations "did not reveal significant differences in orientation between social classes".<sup>162</sup> Within housing research which is very much aware of the issue's practical implications, evaluations of how satisfactorily or unsatisfactorily different layouts and design factors provide for privacy are more plentiful and thorough than evaluations of how much privacy actually matters to different social groups. Some find consolation in believing "privacy and space limitations may not be so important to working class groups as to other segments of the population",<sup>163</sup> whilst others reject notions that "a 'lower class' subject would try less to gain privacy than an 'upper class' subject".<sup>164</sup> But the extent to which there is or is not "little fundamental difference in attitudes towards privacy between the various social and economic groups"<sup>165</sup>, is still largely a speculative matter.

The same is not true, or rather we have greater confidence in drawing on observation and experience, as regards /



regards the effects of status on the distribution of privacy opportunities. If privacy is a matter of restricting access by contextual outsiders, "a question of power over accessibility",<sup>166</sup> then "generally ... the powerful have greater access to the various devices and resources that facilitate the achievement of privacy",<sup>167</sup> so that more outsiders are excludable across a greater range of contexts. Thus there is a large measure of consensus that "the probability of having privacy varies directly with socio-economic and morally approved status".<sup>168</sup> The association may be more bell-shaped than linear though, because "privacy may be relatively less available to those with extremely high status and public visibility".<sup>169</sup> The picture given is of privacy as "a scarce commodity" whose "possession reflects and clarifies status divisions".<sup>170</sup> "The upper ranks or upper echelons of any institution or organization are given greater privacy than lower ranks",<sup>171</sup> and "in general the higher the rank ... the greater the control across boundaries".<sup>172</sup> For "with wealth and authority a person may manipulate spaces, walls, lighting, rituals, schedules, calendars and uniforms".<sup>173</sup> At the other end of the social scale, "people with the least power and the least resources in the community ... are least able to protect their privacy".<sup>174</sup> As the Spectator observed in 1892, "the poor have no privacy; that is the privilege of the rich and well-to-do. They do not live as the richer classes do; they are fenced in by no conventional guards to /

to their privacy and have no protection against intrusive curiosity".<sup>175</sup> Not only unable to buy privacy as others may do "in hospitals, transportation facilities, hotels, theatres, or public restrooms",<sup>176</sup> those "in need of various life support services must usually barter away their privacy in exchange for these services".<sup>177</sup> Michael Harrison says "one could almost define urban poverty in terms of absence of privacy".<sup>178</sup> "This correlation between social rank and privacy" is described by Arnold Simmel as "emphasized by the problem of securing privacy for celebrities and public servants whose visibility is especially high",<sup>179</sup> and for whom there is "much less clear cut segregation between ... private and public spheres".<sup>180</sup> The pressures experienced are given voice by, for example, Katharine Hepburn ("a public figure ... should have a right to be protected from the peering eye of the outsider"<sup>181</sup>) and Leslie Huckfield, M.P. ("we all ought to have the right to be let alone ... to go unrecognized for a time, which is certainly blissful sometimes in our present occupation"<sup>182</sup>). In the words of an old adage "He that puts on a public Gown, must put off a private Person".<sup>183</sup> Should it turn out that "those of whom there is most to say are those who most persistently court privacy",<sup>184</sup> the problem is probably more psychologically palatable than the opposite of being "not seen ... and ... wholly overlooked".<sup>185</sup> Usually too, there is an element of choice about the assumption of a role that propels someone into /



into an exposed position,<sup>186</sup> which only therefore mimics not parallels the predicament of the socially disadvantaged.

The perception of privacy as an adjunct of power<sup>187</sup> helps explain why some 'persons' are better placed than others to avail themselves of privacy, though the impact of personal characteristics on the shaping of aspirations is very indeterminate and the question of which factors predominate in affecting outcomes is wide open. But the achievement of privacy does not depend simply on the exercise of power, for "norms of privacy positively limit the power of others".<sup>188</sup> Privacy will be implemented only if those affected accept that it is warranted by the details of the occasion. It is therefore time to move away from thinking of privacy as a fixed propensity or property of actors (differentially distributed according to ethnic origins, personality, age, sex, and status), and to concentrate (as will be done in the last two chapters) on the ways in which relational and environmental contexts help establish appropriate levels and forms of privacy.

1. H. Storey, "Infringement of Privacy and Its Remedies", Australian Law Journal, 47, September 1973, 498-515, p. 506.
2. Arnold Simmel, The Functions of Privacy, October, 1963, p. 471.
3. Norbert Elias, The Civilizing Process, 1978, p. 60.
4. Edward Shorter, The Making of the Modern Family, 1975, p. 43. The remark comes during discussions about "territorial variations in the opportunity for privacy" ( p. 39).
5. Bruno Bettelheim, "The Right to Privacy is a Myth", Saturday Evening Post, July 27, 1968, 8-9, p. 9.
6. Christopher G.A. Bryant, "Privacy, Privatisation and Self-Determination", in Privacy, ed. John B. Young, 1978, 59-83, p. 61.
7. In Walter M. Carlson's opinion, "much more is being written about the subject of privacy than is known about it. Or, as some cynic said, 'There is a lot less there than meets the eye'". Walter M. Carlson, "Privacy", in Annual Review of Information Science and Technology, ed. Martha E. Williams, 12, 1977, 279-3-5, p. 279.
8. Stephen T. Margulis, "Conceptions of Privacy: Current Status and Next Steps", Journal of Social Issues, 33, Summer 1977, 5-21, p. 5. Margulis refers to an essay called 'Knowledge and Ignorance' which is the title used in Sociological Theory, eds. Edward F. Borgatta and Henry J. Meyer, 1956, 205-229. This is an abridgement from "The Sociology of Secrecy and Secret Societies", trans. Albion Small, American Journal of Sociology, 11, January 1906, 441-498.
9. Graham Wallas, "Impulse and Instinct in Politics", in Human Nature in Politics, 1908, 21-58, p. 50.
10. Robert E. Park and Ernest W. Burgess, Introduction to the Science of Sociology, 1921, p. 273.
11. Oscar M. Ruebhausen and Orville G. Brim, "Privacy and Behavioral Research", Columbia Law Review, 65, November 1965, 1184-1211, p. 1193, "a well known example of privacy invasion in the field of behavioral research, is the so-called 'jury bugging' experiment conducted by the University of Chicago...Although the consent, in advance, of the court and of opposition counsel was obtained" it "shocked the community when the experiment became public knowledge in October 1955. Federal and State statutes were promptly passed...to ban all



attempts to record or observe the proceedings of a jury". Interestingly, when Waldo W. Burchard polled academics (N=300 lawyers, political scientists and sociologists from 900 questionnaires sent out), he found that "political scientists and sociologists overwhelmingly favor the use of concealed devices in social science research and lawyers tend to favor it". See "Study of Attitudes Towards the Use of Concealed Devices in Social Science Research", Social Forces, 36, December 1957, 111-116, p. 116. Also, Waldo W. Burchard "Lawyers, Political Scientists, Sociologists and Concealed Microphones", American Sociological Review, 23, December 1958, 686-691. A decade later Kenneth Purcell and Kim Brady, "Adaptation to the Invasion of Privacy: Monitoring Behavior with a Miniature Radio Transmitter", Merrill Palmer Quarterly, 12, July 1966, 242-254, noting "an absence of carefully controlled, systematic studies as to alterations in behavior induced by observational techniques which invade privacy" (p. 242), conducted such a study and felt only the need to evaluate the efficiency of the procedure. They make no comment on the ethics of breaching "a working assumption in everyday life...that one's surround will be 'dead'", Erving Goffman, Relations in Public, 1971, p. 286. On the same point, see also Frame Analysis, 1974, p. 168.

12. There is, of course, an expanding literature on the part that privacy considerations should play in the formulation and carrying out of social science research.
13. Peter L. Berger, Invitation to Sociology (Harmondsworth, Middlesex: Penguin Books), 1963, p. 31. Nicholas von Hoffman, "Sociological Snoopers", Transaction, 7, May 1970, 4-8, takes a less sanguine view of sociologists' activities.
14. Irwin Altman, The Environment and Social Behavior, 1975, p. 6.
15. Alan Bates, for example, ("Privacy - A Useful Concept?", Social Forces, 42, May 1964, 429-434, p. 433), thought "empirical research needed" and called for "a mapping of privacy meanings". Georg Simmel, "The Sociology of Secrecy and of Secret Societies", American Journal of Sociology, 11, January 1906, 442-498, p. 442, observed that "it would be a profitable scientific labor to investigate the sort and degrees of reciprocal apprehension which is needed for the various relationships between human beings".
16. Felix M. Berardo, "Marital Invisibility and Family Privacy", in Man-Environment Interactions, ed. Daniel H. Carson, 1974, pt. II, 55-72, p. 62.

17. Dale E. Smith and Richard H. Swanson, "Privacy and Corrections: A Social Learning Approach", Criminal Justice and Behavior, 6, December 1979, 339-357.
18. "There are no empirical studies of human privacy", Henry P. Lundsgaarde, "Privacy: An Anthropological Perspective on the Right to Be Let Alone", Houston Law Review, 8, May 1971, 858-875, p. 870.
19. "No systematic or behavioral studies of privacy have been made", Arthur S. Miller, "Privacy in the Corporate State: A Constitutional Value of Dwindling Significance", Journal of Public Law, 22, no.1, 1973, 3-35, p. 4.
20. Jerome J. Hanus, "Informational Privacy", in Civil Liberties, ed. Stephen L. Wasby, 1976, 119-128, p. 119.
21. Society of Conservative Lawyers, Price of Privacy, 1971, p. 5.
22. David R. Cope, "Census-Taking and the Debate on Privacy", in Censuses, Surveys and Privacy, ed. Martin Bulmer, 1979, 184-198, p. 187.
23. John D. Wellman, "Recreational Response to Privacy Stress: A Validation Study", Journal of Leisure Research, 11, no. 1, 61-73, p. 69.
24. Stephen D. Webb, "Privacy and Psychosomatic Stress: An Empirical Analysis", Social Behavior and Personality, 6, no. 2, 1978, 227-234, p. 227.
25. Peter H. Klopfer and Daniel I. Rubenstein, "The Concept of Privacy and Its Biological Base", Journal of Social Issues, 33, Summer 1977, 52-65, p. 52.
26. Darhl M. Pederson, "Dimensions of Privacy", Perceptual and Motor Skills, 48, June 1979, 1291-1297, p. 1291.
27. Note the correspondence too with Alan Westin's "Four basic states of individual privacy: solitude, intimacy, reserve and anonymity", suggested in Privacy and Freedom, 1967, p. 31.
28. Nancy J. Marshall, "Orientations Towards Privacy: Environmental and Personality Components", unpubl. Ph.D. Thesis University of California, Berkeley, 1970. Abstracted in Dissertation Abstracts, vol. 31/7-8, January 1971, p. 4315.
29. For details see the bibliography.
30. For example, Leon A. Pastalan, "Privacy Preferences among Relocated Institutionalized Elderly", in Man-Environment Interactions, ed. Daniel H. Carson, 1974,



pt. II, 73-82, and Brian K. Little and Maureen Kane, "Person-Thing Orientation and Privacy", Man-Environment Systems, 4, November 1974, 361-364. Udo K. Rauter used a modified and abbreviated form of the PPS originally developed by Marshall, in "A Multivariate Analysis of the Contribution of Environmental and Personality Components to Privacy Satisfaction in a Sample of Mental Hospital Residents", unpubl. Ph.D. Thesis University of Houston, 1978, Dissertation Abstracts, vol. 39/05-8, November 1978, p. 2516. Mary Hunter, Richard M. Grinnell and Rita Blanchard, used the PPS to validate their own Privacy Activity in Vicarious Situations Scale (PAVSS), "A Test of a Shorter Privacy Preference Scale", Journal of Psychology, 98, March 1978, 207-210. This is not intended as ad hominen criticism - especially as there undoubtedly will be work of which I have remained unaware - but simply to illustrate the pursuit of parallel activities within a relatively narrow field, evidently 'ripe' for the picking. Two 1978 theses were directed towards constructing new measuring instruments. See Nathan Auslander, "The Dimensionalization of Privacy and Belief Systems", Ph.D. Thesis University of Colorado at Boulder, 1978, Dissertation Abstracts, vol. 39/08-8, February 1979, p. 4095, ("Privacy has been widely discussed, but sparsely researched. Thus, we attempted to empiricise the study of privacy"), and Allen W. Parks, "The Development, Evaluation and Application of the Attitudes Towards Privacy Scale (ATPS)", Ed.D Thesis Boston University, 1978, Dissertation Abstracts, vol. 39/09-A, March 1979, p. 5466, ("Due to a paucity of research with regard to attitudes toward privacy this study was concerned with the development of a valid and reliable attitude scale which measured attitudes towards privacy"). Not having read the dissertations themselves, I do not know whether Marshall's work figures or was felt to be deficient. Other research on measurement has been conducted by G.E. McKechnie, who included a 19-item Need for Privacy (NP) Scale as part of his Environmental Response Inventory (see G.E. McKechnie, Manual for Environmental Response Inventory (Palo Alto: Consulting Psychologists Press), 1974 and "The Environmental Response Inventory in Application", Environment and Behavior, 9, 1977, 255-276). This last detail comes from unpublished papers of Ralph B. Taylor (Johns Hopkins University) and Glenn Ferguson (V.P.I.) "The Criterion Problem and Scale Development: Loneliness, Privacy and Self-Disclosure", presented at American Psychological Association Meetings in September 1979, and "Privacy Preferences and Privacy Behaviors: Exploring the External Validity and Internal Structure of the Privacy Preference Scale", given in part at the annual meeting of the Eastern Psychological Association, Philadelphia, April, 1979.

31. The position is akin to that which Goodstein and Reinecker reported in relation to the self-disclosure literature nearly ten years ago, (just after Paul Cozby had published his Review Article in the Psychological Bulletin, 79, February 1973, 73-91); "Considering the volume of published literature on this subject, there have been comparatively few attempts to organise and integrate systematically the research data bearing on self-disclosure". See Leonard D. Goodstein and Virginia M. Reinecker, "Factors Affecting Self-Disclosure: A Review of the Literature", in Progress in Experimental Personality Research, 7, ed. Brendan H. Maher, 1974, 49-77, p. 50.
32. Erving Goffman, Relations in Public, 1971, p. 31.
33. Stanley I. Benn, "The Protection and Limitation of Privacy", Australian Law Journal, 52, November 1978, 601-612, p. 603.
34. Robert S. Laufer and Maxine Wolfe, "Privacy as a Concept and a Social Issue: A Multidimensional Developmental Theory", Journal of Social Issues, 33, Summer 1977, 22-42, p. 39.
35. Jeffrey H. Reiman, "Privacy, Intimacy and Personhood", Philosophy and Public Affairs, 6, Fall 1976, 26-44, p. 37.
36. Julianne Zatz, "The Right to Know: Ambiguities in Law and Liberal Theory", unpubl. Ph.D. Thesis University of Minnesota, 1978, p. 255.
37. Stanley I. Benn, "Privacy, Freedom and Respect for Persons", in Privacy, eds. J. Roland Pennock and John W. Chapman, 1971, 1-26, p. 3.
38. Erving Goffman, Behavior in Public Places, 1963, p. 40. Also, The Presentation of Self in Everyday Life, 1959, p. 151-153.
39. Erving Goffman, Behavior in Public Places, 1963, p. 126.
40. Ibid., p. 84.
41. Laud Humphreys, Tearoom Trade, 1970, p. 162, talking about "institutions for the mentally defective", notes how "persons in these settings are accessible to anyone".
42. Erving Goffman, "The Nature of Deference and Demeanor", American Anthropologist, 58, June 1956, 473-502, p. 486, talks of the "encroachments on privacy in mental wards".
43. Rosenham, D.L., "On Being Sane in Insane Places", Science, January 19, 1979, 250-258, p. 256.



44. Kai T. Erickson and Daniel E. Gilbertson, "Case Records in the Mental Hospital", in On Record: Files and Dossiers in American Life, ed. Stanton Wheeler, 1969, 389-412, p. 390.
45. Barry Schwartz, "Deprivation of Privacy as a Functional Prerequisite: The Case of Prison", Journal of Criminal Law, Criminology and Public Science, 63, June 1972, 229-239, p. 230 and p. 232.
46. Clair A. Cripe, "Privacy Rights Denied to Inmates of Prisons", Virginia Law Weekly, 17, April 1, 1965, 1-3.
47. Charles Fried, "Privacy: A Rational Context", in An Anatomy of Values, 1970, 137-152.
48. Erving Goffman, The Presentation of Self in Everyday Life, 1959, p. 151.
49. Georg Simmel, The Sociology of Georg Simmel, 1964, p. 265, "In the condition of domestic servants...it is still the total individual, so to speak, who enters the subordination...relationship, involves them as total personalities and obliges them to 'unlimited service'".
50. Michael Argyle, Social Interaction, 1969, p. 377, "A person may become socially invisible...no attention paid if he is a non-person".
51. "Towards the 'significant' man there exists an inner compulsion to keep one's distance", Georg Simmel, "The Sociology of Secrecy and of Secret Societies", American Journal of Sociology, 11, January 1906, 441-498, p. 453.
52. Richard Wright, Black Boy (New York: Harper), 1945, p. 176.
53. Anthony Storr, "Reaching Out for the World", in The World of Children, ed. Edward Blishen (London: Paul Hamlyn), 1966, 17-22, p. 17, describes as "one of the basic fears of mankind that we shall be treated as things and not as persons".
54. Richard A. Wasserstrom, "Privacy: Some Arguments and Assumptions", in Philosophical Law, ed. Richard Brunaugh, 1978, 148-166, p. 154.
55. Ibid., p. 74. The Anglo-American is not the only cultural milieu in which children as the possessors of "incomplete selves" are "non persons". See John C. Hotchkiss, "Children and Conduct in a Ladino Community of Chiapas, Mexico", American Anthropologist, 69, December 1967, 711-718, p. 711. Hotchkiss stresses the access that children, "being not subject in the same way as adults to conventions that ensure privacy" (p. 714), have to

'back regions', rather than the implications for children's own vulnerability.

56. Rudolf Ekstein and Elaine Caruth, "Keeping Secrets", in Tactics and Techniques in Psychoanalytic Theory, ed. Peter L. Giovacchini, 1972, 200-215, p. 206. See also, Heinz R. Schaffer, The Growth of Sociability, 1971, p. 13, "At birth an infant is essentially an asocial being... indeed the boundaries between the self and the non-self have still to become established".
57. R.S. Downie and Elizabeth Telfer, Respect for Persons, 1969, p. 34.
58. Leontine Young, "Right to Privacy", in Life Among the Giants, 1966, p. 131.
59. R.S. Downie and Elizabeth Telfer, Respect for Persons, 1969, p. 34.
60. Peter Townsend in The Last Refuge, 1962, p. 5, draws attention to the attitude of the staff in residential homes that "old people had surrendered any claims to privacy".
61. John C. Beresford and Alice M. Rivlin, ("Privacy, Poverty and Old Age",) Demography, 3, no. 1, 1966, 247-258), in their demographic study of "increasing privacy since World War II" (p. 254), for example, treat "how much privacy all generations will experience", as "determined by a) ability of young adults to set up own households and b) ability of older persons to maintain own households".
62. Alan P. Bates, "Privacy - A Useful Concept?", Social Forces, 42, May 1964, 429-434, p. 431.
63. Eleanor Schuster, "Privacy and the Hospitalization Experience", unpubl. D.N.S. Thesis University of California San Francisco, 1972, p. 6.
64. Howard Cohen, "Children and Privacy", in Philosophical Law, ed. Richard Brunaugh, 1978, 188-203, p. 188.
65. Ross D. Parke and Douglas B. Sawin, "Children's Privacy in the Home: Developmental, Ecological and Child-Rearing Determinants", Environmental Behavior, 11, March 1974, 87-104, p. 89.
66. Ibid., p. 91. Parke and Sawin specifically warn (p. 102) that, "generalization of our findings across other definitions of privacy" (p. 88-89, "operationalized...as the extent to which access to space in the home environment was limited by the principal occupant of that space") is unwarranted".



67. "The norms for privacy and intrusion, as for other behaviors seem different for children of different ages and seem to reflect the adult's perception of whether the child is an independent being capable of understanding and being responsible for his own behavior". Maxine Wolfe and Robert Laufer, "The Concept of Privacy in Childhood and Adolescence", in Man-Environment Interactions, ed. Daniel H. Carson 1974, pt. II, 29-54, p. 34.
68. Anna M. Fry and Frank N. Willis, "Invasions of Personal Space as a Function of the Age of the Invader", Psychological Record, 21, Summer 1971, 385-389, p. 385.
69. Arnold Simmel, The Functions of Privacy, October 1963, p. 36.
70. Maxine Wolfe and Robert Laufer, "The Concept of Privacy in Childhood and Adolescence", in Man-Environment Interactions, ed. Daniel H. Carson, 1974, pt. II, 29-54, p. 36.
71. M. Powell Lawton and Jeanne Bader, "Wish for Privacy by Young and Old", Journal of Gerontology, 25, January 1970, 48-54, p. 48.
72. M. Powell Lawton, "Ecology and Aging", in Spatial Behavior of Older People, eds. Leon A. Pastalan and Daniel H. Carson 40-67, p. 47.
73. Robert E. Smith, Privacy, How to Protect What's Left Of It, 1979, p. 319.
74. "Privacy and Public Opinion", Public Opinion, 8, January 11, 1890, p. 337. See also Elbridge L. Adams, "The Right of Privacy and Its Relation to the Law of Libel", American Social Science Association Journal, 41, August 1903, 90-109, p. 100, "all men are not possessed of the same delicacy of feelings or of the same consideration for the feelings of others".
75. E.L. Godkin, "The Rights of the Citizen IV: To His Own Reputation", Scribner's Magazine, 8, July 1890, 58-67, p. 65, "Intrusion on it annoys different persons in different degrees".
76. H.J. McClosky, "The Political Ideal of Privacy", Philosophical Quarterly, 21, October 1971, 308-314.
77. Giles E. Hemmings, "Privacy in the Data Base Environment", Data Fair 1, April 1973, 78-81, p. 78.
78. Norman Lindop, Report of the Committee on Data Protection, Cmnd. 7431, December 1978, p. 126.
79. David H. Flaherty, "Introduction", to Section on Privacy, in Philosophical Law, ed. Richard Brunaugh, 1978, p. 146.

80. M. Powell Lawton and Jeanne Bader, "Wish for Privacy in Young and Old", Journal of Gerontology, 1970, 25, no. 1, 48-54, p. 53. Alan F. Westin, "Life, Liberty and the Pursuit of Privacy", Think, 35, May-June 1969, 12-21, p. 14, writes of the "great personal reserve between Englishmen, high personal privacy in the home".
81. Graham Wallas, "Impulse and Instinct in Politics", in Human Nature in Politics, 1908, 21-58, p. 50.
82. Alan Hamilton, "Theroux at the Junction", The Times, October 13, 1981, p. 9.
83. Erwin Schrodinger, "Equality and Relativity of Freedom", The Listener, 13, June 5, 1935, 952-953, p. 953.
84. Kurt Lewin, "Some Social-Psychological Differences Between the United States and Germany", in Resolving Social Conflicts, 1948, 3-33, p. 19.
85. Edward T. Hall, The Silent Language, 1959, p. 147.
86. Edward A. Shils, The Torment of Secrecy, 1956, p. 47, and p. 58.
87. Herbert J. Spiro, "Privacy in Comparative Perspective", in Privacy, eds. J. Roland Pennock and John W. Chapman, 1971, 121-148, p. 126.
88. The Office of Technology Assessment in Washington, D.C. is apparently in the process of compiling a comparative review of attitudes towards privacy. Personal communication from David Flaherty.
89. Dan Soen, "Habitability - Occupants' Needs and Dwelling Satisfaction", in New Trends in Urban Planning, 1979, 119-132, p. 124.
90. Graham Wallas, "Impulse and Instinct in Politics", in Human Nature in Politics, 1968, 21-58, p. 50.
91. Kurt Lewin, "Some Social-Psychological Differences between the United States and Germany" in Resolving Social Conflicts, 1948, 3.33, p. 21. Lewin cautions that the "differences mentioned are all differences in degree" and due to "a great variability within each country...may hold true only within certain groups". Stanley C. Plog's study "to examine in a contemporary setting" (almost thirty years later as Lewin's article originally appeared in 1936) "the validity of some of Lewin's assumptions about German and American national differences", confirmed that "culture is an important determinant of self-disclosure", with American men and women...more willing to reveal information about



themselves on a variety of topics to a variety of persons". See "The Disclosure of Self in the United States and Germany", Journal of Social Psychology, 65, April 1965, 193-203, p. 194.

92. Ruth H. Smith, Donna B. Downer, Mildred D. Lynch and Mary Winter, "Privacy and Interaction within the Family as Related to Dwelling Space", Journal of Marriage and the Family, 31, August 1969, 559-566, p. 564.
93. Ibid. Helena Lopata reports, from her altogether broader research with 600 women in the Chicago area, Occupation: Housewife, 1971, p. 260, "variations in the size of the privacy bubble".
94. Abraham H. Maslow, Motivation and Personality (New York: Harper), 1954, p. 212.
95. Peter Kelvin, "A Social-Psychological Examination of Privacy", British Journal of Social and Clinical Psychology, 12, September 1973, 248-261, p. 258.
96. "Some thirty inches from my nose  
The frontier of my Person goes,  
And all the untilled air between  
Is private pagus or demesne.  
Stranger, unless with bedroom eyes  
I beckon you to fraternize,  
Beware of rudely crossing it:  
I have no gun, but I can spit".  
  
W.H. Auden, "Postscript to I Prologue: The Birth of Architecture", in About the House (London: Faber and Faber), 1966, 13-14, p. 14.
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  181. Katharine H. Hepburn, "Actress Views Privacy as Alternate Concept", Virginia Law Weekly, 17, June 3, 1965, 1-2.
  182. Leslie Huckfield, "Speech Introducing Control of Personal Information Bill", April 21, 1972, in Hansard, 5th Series H.C., vol. 835, col. 969.
  183. Thomas Fuller, Gnomologia: Adagies and Proverbs; Wise Sentences and Witty Sayings, Ancient and Modern, Foreign and British (London), 1732, p. 92, no. 2257. In Sweden, for example, "where...newspapers do not usually report the names of defendants at all, but only the circumstances of their cases...the self-denying ordinance is lifted for prominent public figures", David Lane, The Frontiers of Secrecy,



.1980, p. 75. In less 'open' societies, however, political elites often maintain large 'private' preserves, screening for instance, in the USSR, not just the family lives of Russian leaders, but even their marital status.

184. "Privacy", Harper's Weekly, 49, January 14, 1905, p. 46.
185. John Adams, "Discourses on Davila", in The Works of John Adams, ed. Charles F. Adams (Boston: Charles C. Little and James Brown), 1851, vol. 6, 221-403, p. 239, graphically describes how "the poor man...feels himself out of the sight of others, groping in the dark. Mankind takes no notice of him...He is not disapproved, censured, or reproached; he is only not seen. This total inattention is to him mortifying, painful and cruel...To be wholly overlooked, and to know it, are intolerable". William James, The Principles of Psychology (New York: H. Holt), 1890, p. 293, makes much the same point; "No more fiendish punishment could be devised, were such a thing physically possible, than that one should be turned loose in society and remain absolutely unnoticed by all the members thereof".
186. Hector Munro, "The Innocence of Reginald", in The Short Stories of Saki, ed. Christopher Morley (London: Bodley Head), 1930, 40-42, p. 41, resents Reginald's feelings after "Everyone heard that I'd written the book and got it in the press...I might have been a goldfish in a glass bowl for all the privacy I got".
187. Steven E. Aufrecht, "A Critical Examination of the Concept of Privacy and its Implications", unpubl. Ph.D. Thesis University of Southern California, July 1977, p. 40, emphasizes that "without talking about the power aspects of privacy...one loses an important dynamic" for "power is one means of protecting privacy, but also privacy is a means of protecting power".
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## CHAPTER SEVEN

'Detailing the Impact of Sensibilities  
and Relationships on Privacy Practices'



Privacy clearly turns on decisions made about who should be party to or be excluded from certain activities and/or information. The discrimination between contextual insiders and outsiders entailed in privacy, rests less on the authority of the individual than on social understandings of how much of one's affairs and which aspects are appropriately shared or not shared within particular relationships. Given the basic theory that information about people and people's activities are not of equal importance either to themselves or to others, then the differential exposure and shielding which takes place will depend partly on the abstract sensitivity of the target matter and, perhaps more profoundly because sensitivity is also relative to context, on the structural and affective nature of pertinent relationships. Thus this chapter first discusses the ranking of information and activities according to whether on most occasions others are more or less likely to be admitted as insiders or to be deemed outsiders and denied access. It then moves on to explore how and why various types of relationship also affect where lines tend to be drawn between contextual insiders and outsiders, thus contributing to the patterning of privacy.

Conventionally rather than judicially speaking, it is still "difficult", as John Adams wrote in 1770, "to establish any certain Rule to determine which things a Man may and what he may not lawfully conceal, and when".<sup>1</sup>

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The attempts made to rank information and activities on the basis of some inherent sensitivity quotient have had to contend with the doubts raised as to whether there are any such generalized and generalizable attitudes. Besides the "widespread variations in what is regarded as private in different societies",<sup>2</sup> it is claimed "there is little consensus among the public as to what constitutes sensitive data among individuals".<sup>3</sup> Moreover, "as is well known information which may be thought of as sensitive and generally non-available in one situation may be considered quite accessible in another".<sup>4</sup> It is therefore tricky, whether using predicted responses to hypothetical questions or observed reactions in fieldwork settings, to pull out overall conclusions about the degree of protectiveness which attaches to specific activities and information. There is also a certain artificiality about the whole exercise because evaluations are not made in a vacuum and will always be subject to circumstantial modifications. From the viewpoint of the person seeking to regulate access, the identity of the potential insider or outsider along with what he/she anticipates would be made of what would be learned were access not restricted, are among the considerations influencing how tolerable or otherwise the exposure of any matter on any occasion is felt to be. From the potentially excluded's viewpoint, his/her relationship to the one seeking privacy plus his/her reading and estimation of the purposes for which privacy is sought are likewise important /



important factors in determining willingness to cooperate in the implementation of privacy. The importance of such considerations notwithstanding, a baseline ranking among categories does appear to operate.<sup>5</sup> A variety of sources combine to suggest that people do not regard all activities and information as on a par and to indicate that, with certain 'subject' clusters held to warrant or demand comparatively more or less selectivity about access, differences exist in how consistently and extensively particular activities and information tend to be rendered inaccessible.

Because "privacy for certain physiological performances ... is demanded in many cultures",<sup>6</sup> reticence about bodily functions is an obvious candidate for constituting one of the "generally agreed 'areas of privacy'".<sup>7</sup> Disagreements among commentators centre on which particular activities are believed to be most commonly singled out, on how widespread a scale, and for what reasons. Finan talks of the "rational shame ... typically experienced in dying, giving birth, sexual activity, eating and drinking, and in the elimination of bodily wastes".<sup>8</sup> But it is clear that these activities are not shielded to the same extent either within or between cultures. Many think with Madge that "excretion and sexual intercourse" are "generally the subject of privacy regulations",<sup>9</sup> though not all believe they "approach universality"<sup>10</sup> and note "a few exceptions" to "seclusion for sexual intercourse"<sup>11</sup> or the /

the Australian aborigine who urinates while talking.<sup>12</sup> In the event "the actual behaviors which culture decrees should be carried out in privacy" do "seem to be quite variable",<sup>13</sup> and the basis on which they are differentiated is not clear. Becker, who gives the Aboriginal example, believes that "man decides what part of his body will merit symbolic significance".<sup>14</sup> In Fried's words "convention designates certain areas, intrinsically no more private than other areas, as symbolic of the whole institution of privacy and thus deserving of protection beyond their particular importance".<sup>15</sup> If this is the case then eating and drinking may be the "ritualistic privacy activities" for others that "sex, elimination, and toileting are for us".<sup>16</sup> Whatever the correct details and explanation for them, there is little doubt that in many societies and especially our own, the bodily nexus ranks high among the areas of activity thought unsuitable for public consumption.

Complementary desires and efforts to restrict access to sexual and medical affairs, coupled with financial affairs, are revealed in a sampling of research which assesses how ready or reluctant people are to provide different kinds of information. Among respondents surveyed for the Younger Report about reactions "to the free availability of certain of their personal details ... objections were strongest to revealing details of sex life (87%) and income (78%)", while "half the sample objected to the availability of their medical history (51%)".<sup>17</sup> A Roper Poll conducted for /



for the American Civil Liberties Union concerning data which people "would not object to having released" to four types of corporate bodies, showed similarly strong resistance to others knowing about their sexual history, tax returns and medical records.<sup>18</sup> Among the more than 2000 corporate employees Jack Osborn questioned, "'financial information'" ... was viewed ... as the most sensitive category of information handled by their company", followed by "'medical information'".<sup>19</sup> According to Malcolm Gynther "the kinds of items ... most likely to be objected to" on the MMPI "are those" dealing "with elimination processes, sex and religion, usually in the order given".<sup>20</sup> Self-disclosure studies using Jourard and Lasakow's questionnaire find "a 'high disclosure' cluster comprised of Tastes and Interests, Attitudes and Opinions, and Work, and a 'low disclosure' cluster that included Money, Personality and the Body".<sup>21</sup> Some corroboration comes from Rickers-Ovsiankina and Kusmin who reported in connection with the more standard instrument that "their areas of low self-disclosure encompass many of our relatively inaccessible items and their high-disclosure cluster resembles the upper pole of our accessibility scale".<sup>22</sup> When it comes to survey research experiences, "non response to income questions" has been found to be "significantly higher ... than refusals to other classification items"<sup>23</sup> and there are "tales of questions, such as those about family income that are encountering increasing difficulty".<sup>24</sup> After close investigation /

investigation of 'Privacy and Confidentiality' as Factors in Survey Response', the National Research Council felt able to confirm "a commonly held belief that income is a survey topic particularly objectionable to many respondents".<sup>25</sup>

Having built up a picture of sexual, medical and financial topics being carefully monitored and others prepared for quite extensive exclusion zones to bound them, certain caveats need to be entered. There may be a lack of uniformity within societies and undoubtedly will be cross-culturally, caution must be exercised in predicting comparative sensitivities and in making privacy-related inferences, and finally the putative recipients and treatment of the data cannot be left out of account. As regards the cultural variability, a poll conducted on another occasion under different auspices, found much lower levels of worry about certain topics than did either the Younger or the Roper Polls. In a U.S. Bureau of Standards Survey, as reported by David Firnberg, 42%, 20% and 18% respectively objected to the availability of their salary, tax and medical affairs.<sup>26</sup> Feelings about "the privacy of personal details"<sup>27</sup> do not run at the same level in different European countries, whose practices vary as regards whether, for instance, tax information is open to public inspection, personal files are held at local police stations, or the single identifier number is widely used.<sup>28</sup> Self-disclosure investigators may claim "a marked similarity among the cultures in the overall accessibility measures and the relative /



relative position of the various items on the accessibility scale",<sup>29</sup> but the populations tested are small, scattered and scarcely representative of their own or of all cultures.<sup>30</sup> There is plenty of room for diversity to exist and investigations into attitudes and practices pertaining to privacy are few and far between.

Turning to the long-standing belief among survey practitioners in English-speaking countries, that the most sensitive topics relate to income, sexual behaviour and medical matters, this sometimes proves to be confounded. Lester Frankel thinks "it is difficult for the researcher to judge on an a priori basis which questions would be embarrassing or harmful", citing the unexpectedly cooperative response elicited when his company pretested for "some research on feminine hygiene products".<sup>31</sup> During a 1971 pre-run by the Australian National University for the World Fertility Survey, only "28% of refusers (N=393) or 3.6% of all accessible eligible women (N=3067) objected to the focus on sex and fertility". With "only one woman in thirty" objecting "to household interviews on fertility and related matters", very few balked in the interview situation itself at "the traditionally sensitive questions" on income, contraceptive practice and abortion.<sup>32</sup> What does emerge is the fact that as Bower and Gasparis say, "often the social scientist can only speculate on what parts of his inquiry may be invasions of privacy".<sup>33</sup> The "three most sensitive questions /

questions in Melbourne, which provoked the highest non-response rates" and the highest levels of "embarrassment and emotional distress" reported by the interviewers, were all general population questions.. The cause of resistance was not fears about the sensitivity of the data to be provided but fears about ignorance being exposed. There was "an aversion to guessing" and a lack of confidence about being able "to provide the 'right' answer".<sup>34</sup>

The impact of who is obtaining the information plus judgements about their need for and likely use of it, can also be seen in the research already mentioned. In the Roper Poll which specified four kinds of corporate bodies as recipients there were considerable ranges in the proportion of people resistant to the release of the following information: 'sexual history' (95%-69%), 'tax returns' (90%-61%), 'psychiatric history' (90%-34%) and 'health records' (87%-36%).<sup>35</sup> More people were thus prepared to think access to medical matters might be more justified, presumably because of their perceived relevance to evaluations others might be called upon to make in some professional capacity. The information held by corporations about their employees, was viewed by Osborn's respondents as "more or less sensitive depending on the use described".<sup>36</sup> In assessments of the contents of psychological tests, the purposes for which they are administered also seems to be an important consideration. Jon Reck, for example, found that though "the subjects' attitudes /



attitudes towards tests and willingness to take them would be partly dependent upon the kind of tests they were asked to take", they "generally ... would not consider the psychological tests to be invasions of privacy when administered in personnel settings".<sup>37</sup> Acquisition of information is apparently ratified by the prospect of the employer/employee relationship being entered upon.

The centrality of relationships in conditioning whether privacy will be realized or not, apropos whom and what, is hinted at by defining privacy as a socially sanctioned cooperative enterprise that hinges on distinctions made between insiders and legitimately excluded outsiders. Discussion in the last chapter of the actors' privacy aspirations and achievements touched on but left unexplored how in asymmetrical relationships those with high status have the resources to exercise greater control over access, whilst those with low status are less able to restrict entry into their affairs. Now is the time to elaborate upon the importance of "the ego's relationship to those from whom privacy is sought".<sup>38</sup> Social superiors can more readily both invoke privacy for themselves<sup>39</sup> and gain access to others.<sup>40</sup> There is the "right to exercise certain familiarities which the subordinate is not allowed to reciprocate",<sup>41</sup> unconsciously displayed in everyday interchanges or more menacingly intended to register that "he who may intrude /

intrude upon another at will is the master of the other".<sup>42</sup> Those with "low status and power" feel "forced to accept intrusions",<sup>43</sup> so that welfare clients for example are often susceptible to "a good deal of undue pressure or undue feelings of obligation".<sup>44</sup> These differences in abilities to sustain and "invade privacy", clearly "reflective of status",<sup>45</sup> are accepted inasmuch as inequalities in the distribution of power are at the root of our social system. "The data collected on citizens receiving welfare aid are often of a kind that many middle class citizens asked for such details about themselves, would protest at what they consider to be a violation of their privacy".<sup>46</sup> Status discrepancies are further underlined by the way those well up the hierarchy can also feel free to disregard conventions about "the matters which may properly be shared with others and to which others may properly be subjected and those which must be contained".<sup>47</sup> Inferiors have their subordinate standing reinforced by being exposed to what actors would normally be expected to shield from others. Whether it is the Haji who unlike other moslem Tuareg is not obliged to cover his face with a veil,<sup>48</sup> or the Chinese patriarch who "might use the toilet without shutting the door, thereby claiming a kind of 'right not to be private'",<sup>49</sup> the norms which "legitimate criticism of people who do not exercise their legitimate claims to privacy"<sup>50</sup> are not applicable. "Important public men have sometimes done in public what others /



others did privately", from "the public sexual intercourse of the pharaohs"<sup>51</sup> to President Johnson's reputed habit of insisting that his advisors continued their consultations whilst he relieved himself.<sup>52</sup> The exposure is not troublesome to such performers presumably because of perceptions that the audience does not 'count' and their access is of no consequence. Thus where status considerations are to the fore in relationships, they modulate in a lop-sided way the chances of successfully designating and excluding 'outsiders'.

The same impact of the substance and focus of relationships, upon what levels and kinds of privacy are thought acceptable is apparent in other examples. For "the sort of relationship ... people have to one another involves a conception of ... the kind and degree of knowledge concerning one another which it is appropriate for them to have".<sup>53</sup> The significance of "role-partners"<sup>54</sup> is widely recognized, and not just by those inclined to think that "a person is what he is in any given situation in part as a function of his relationship with the other".<sup>55</sup> It emerges for instance in self-disclosure studies, prone as they are to convey images of "sharply bounded" entities with "self ... standing like a solid boulder of granite".<sup>56</sup> Jourard believes that "the most powerful determinant (of variation in self-disclosure) so far discovered is the identity of the person to whom one might disclose himself and the nature and purpose of the relationship between the /

the two people".<sup>57</sup> To use the words of Georg Simmel, who was among the first to probe the variations, "relationships among men are distinguished according to the question of mutual knowledge".<sup>58</sup> Hence the concentration of attention for the rest of this chapter on examining and explaining the scope for privacy characteristically afforded within relationships of various sorts.

In trying to make sense of where privacy boundaries are drawn, in terms of which aspects of whose affairs tend to be open or closed in interactions with whom, one approach is to think about the consequences of privacy being implemented. As a restriction of access offering freedom from supervision and opportunity for non-conformity, privacy has effects on the individuals involved, on the conduct of their relationships, and directly or indirectly on the well-being of the wider society. The anticipated repercussions at each level will thus have a bearing on the 'acceptability' of different strategies and so help 'fix' what usually happens. Because privacy has principally been looked at from the perspective of the individual, we can speculate more confidently why interactive partners might be persuaded that privacy in respect of certain matters is or is not justifiable within particular relationships, but the other inputs should not be forgotten. The state, for instance, lays down which others can be excluded from knowledge about a criminal record, and when. At a trial, because reference should be made to the defendant's legal history only when the /



the sentencing stage is reached, the judge and jury are put into 'insider' and 'outsider' categories respectively. The rule which allows offences to be expunged after a seven year time gap is not operable if the individual applies for jobs within sensitive sectors such as the prison service.<sup>59</sup> The denial of privacy to inmates of prisons or mental hospitals by institutional staff, is largely an expression of community doubts about the legitimacy of the probable ends to which privacy would be put and judgements about what constitutes anti-social behaviour. In general, if good reasons exist for believing that the restriction of access is not to be feared and benefits may accrue to those concerned, then privacy is likely to be realizable. By the same token, privacy is less likely to be sought if the potentially damaging effects of access not being blocked can be neutralized. It is also less likely to obtain if thought to be a hindrance to the furtherance of the approved purposes for which relationships have been entered into. By taking 'friendship', 'stranger' and 'professional' relationships as examples, some appreciation will be gained of how things work out in practice.

Perhaps the most straightforward pattern detected is in affectively loaded relationships along the 'friendship' axis. The process appears to be one of "gradual guarded disclosure",<sup>60</sup> with the areas and amounts of privacy deemed appropriate reducing as trust, which is so "prominent a /

a feature of friendship",<sup>61</sup> builds up over time, reinforced by positive demonstrations that it is justified. If people can be trusted to be tactful during the acquisition process and discrete as regards dissemination,<sup>62</sup> then "the vulnerability which" otherwise "follows from disclosure"<sup>63</sup> is stemmed. For alongside the pleasures, are the "risks of sharing" which include "possible criticism, ridicule, loss of power in future encounters".<sup>64</sup> As Eldridge Cleaver writes, "the reason two people are reluctant to really strip themselves naked in front of each other is because in so doing they make themselves vulnerable and give enormous power over themselves to one another".<sup>65</sup> Thus in the initial stages of acquaintanceship people tend to be reticent and indeed greater openness than is felt appropriate to the depth of the relationship is resented. "One way in which we mark off and distinguish certain interpersonal relationships from other ones is in terms of the kind of intimate information and behavior that we are willing to share with others"<sup>66</sup> and, it might be added, that we think should be shared with us. Ernest Becker talks of the "'proper' things to say and do" that "in every society protect the actors against being submerged by one another's private data".<sup>67</sup> Maria Rickers-Ovsiankina's 'social accessibility' studies found "the stranger ... the lowest, the acquaintance the somewhat higher, and the best friend the distinctly highest in acceptability for confidence".<sup>68</sup> Children are constantly urged, as part of the socialization process, to tailor their inquiries and responses /



responses to the formal and emotional requirements of relationships. Adults whose behaviours are ill-matched to expectations about access generated by the relationships in which they are engaged, whether presumptuously familiar or too stand-offish, are regarded as maladjusted. Failure to observe the proprieties regarding privacy and placing people in the 'wrong' insider or outsider categories, whether inadvertently or deliberately, are taken as symptomatic of some character defect, large or small depending on the seriousness of the deviation. The model often relied on to portray the assumption made by "theories on the acquaintance process, including the incremental exchange theory and social penetration theory ... that mutual disclosure spirals upward as a relationship develops",<sup>69</sup> envisages "a series of concentric circles"<sup>70</sup> radiating outwards from "the central core of self".<sup>71</sup> At the outer edges of these 'globes',<sup>72</sup> 'bubbles',<sup>73</sup> 'zones',<sup>74</sup> 'layers or shells',<sup>75</sup> as they are variously called, are the least sensitive activities and information. Penetration is then said to be "proportional to intimacy",<sup>76</sup> with the amounts and kinds of disclosures "an index of the 'closeness' of the relationship".<sup>77</sup> The 'reciprocity norm',<sup>78</sup> gets things moving and personal revelations are stepped up according to 'degree of liking',<sup>79</sup> so that there are increasingly higher levels of bodily contact and verbal disclosure<sup>80</sup> until in a relationship of intimacy "the barriers which usually surround the self are down".<sup>81</sup>

The /

The idea of a continuum along which "we offer different parts of ourselves with greater or less intensity to different friends and associates"<sup>82</sup> tallies well with everyday experience and research. That is unless commentators, in emphasizing "the sharing of privacies"<sup>83</sup> within intimate relationships, fail to indicate that there may be limits on how far this is taken. The pattern of increasing accessibility within chosen relationships, whilst those without the same claim to close involvement are excluded, appears to tail off at some point with certain concerns remaining shielded.<sup>84</sup> Despite "the revealing of information" between insider couples "or the granting of access to the body normally withheld from others",<sup>85</sup> the capacity for privacy is not altogether extinguished. Indeed its exercise is often thought to be a sustaining ingredient of such relationships. There is an authentic ring to a novelist's observation that "more and more as time sets a relationship into habit, there are secret places, little areas of personal privacy, that one guards against discovery".<sup>86</sup> A behavioural scientist's speculation that "the more one person involves himself with another on an emotional basis, the more both will need private facilities to conceal nasty habits and self-demeaning information"<sup>87</sup> is quite plausible. Georg Simmel was very clear in his mind about the dynamic involved, maintaining that "intimate relationships whose formal medium /



medium is physical and psychological nearness, lose the attractiveness, even the content of their intimacy as soon as the close relationship does not also contain simultaneously and alternately, distances and intermissions".<sup>88</sup>

Simmel was also struck, at the other end of the spectrum, by "the fact that the stranger ... often receives the most surprising openness - confidences which sometimes have the character of a confessional and which would be carefully withheld from a more closely related person".<sup>89</sup>

As self-disclosure research got off the ground, workers in the field like Maria Rickers-Ovsiankina were somewhat puzzled by the "occasional finding of preference for acquaintance or even stranger over best friend".<sup>90</sup> In these cases extent of disclosure was not associated with depth of relationship and the build up of trust over time. The key to explaining patterns which look "curvilinear rather than linear"<sup>91</sup> is to recognize that there are different kinds of 'stranger relationship'. Strangers whose encounters are a prelude to future interaction have a different set of expectations as regards privacy behaviours than do strangers who meet by chance and whose paths are thought unlikely to cross again. "The willingness to disclose more to a stranger than to a close associate", dubbed by Lee Drag the "bus-rider phenomenon"<sup>92</sup> is characteristic of strangers "without commitments to continue the relationship".<sup>93</sup> Some "'passing-stranger' effect" was revealed by Zick Rubin's investigations /

investigations of "the determinants of self-disclosure in airport lounges"<sup>94</sup> and in unpublished work relayed by Paul Cozby.<sup>95</sup> Though not amenable to laboratory demonstration,<sup>96</sup> and variable in the intensity and frequency with which it occurs, the propensity is anecdotally familiar. "Anyone who has ever sat next to a stranger on an airplane knows the delight that people take in talking about themselves to complete strangers".<sup>97</sup> The discomfiture comes of course if those strangers should turn out to have unanticipated interconnections or future meetings, for when privacy is not sought in regard to the stranger it is in the expectation that he is and will remain just that.

In terms of my version of privacy, the access of the ostensible outsider may not be blocked if he is so much of an outsider that certain insider knowledge is thought to be inconsequential. Where there is no existing pool of information for any that is acquired to feed into, and no hidden links which could result in 'come-backs', and provided the stranger indeed "moves on",<sup>98</sup> the dangers in trading on "the stranger's badge of anonymity"<sup>99</sup> are fairly minimal. This tendency, whereby "an individual will not care about privacy in relation to those on whom he is not dependent or with whom he is not likely to interact in the future"<sup>100</sup> has been widely noted. T.S. Eliot writes of "the luxury of intimate disclosure to a stranger"<sup>101</sup> and John Silber of "the safe ... context of strangers".<sup>102</sup> Attention is drawn to the "detachment



"detachment ... characteristic of the stranger",<sup>103</sup> which makes his feedback more disinterested and his judgements anyway relatively immaterial.<sup>104</sup> Working with the Tuareg, Murphy found them "most relaxed in ... veiling when in the presence of the outsider".<sup>105</sup> In more familiar territory Lee Robins suggests "greater willingness of subjects to give intimate information to an interviewer who" is not only what Shils calls an "anonymous entrant into the private sphere",<sup>106</sup> but "will take the information out of the home community".<sup>107</sup> So it is that, with the stranger who is 'non-significant' to the extent that he is not operating in the same orbit, "there may be feelings of invulnerability and unaccountability which have the potential of increasing openness".<sup>108</sup>

In this kind of 'stranger' context the normative inversion, namely exposure of the intimate to the non-intimate, is acceptable because of the very fact that the parties are and anticipate remaining strangers. Though their lives temporarily intersect, pasts and destinies are supposedly unconnected and this considerably reduces the vulnerability which flows from access. When dyads expect that their futures will be interwoven, considerable anxieties exist about how what is learned will be treated and will affect life-chances. These have to be allayed before defences will be dropped. As already described, in relationships which are predominantly personal and do progress along the friendship axis, the feeling that privacy /

privacy is not called for evolves steadily, affects both parties and is largely based on the growth of trust. The situation is somewhat different when comparative strangers engage themselves in professional-client relationships. The client will often want/need to dispense with privacy regarding certain matters fairly swiftly and wholeheartedly in a one-sided manner, in order that his interests (to whose servicing the relationship is meant to be geared), can be effectively furthered and hopefully satisfied. Since this degree of exposure to another, (often involving concerns that in personal relationships would be reserved for intimates), is potentially troublesome for both parties, prior and continuous assurance has to be given that no advantage will be taken and that any wider dissemination afforded will not redound to the client's detriment. Trust is at least as important a component as it is in friendship, and perhaps more so because of the disequilibrium entailed. To help bolster trust, 'neutralizing' factors, such as the strategic reasonableness of the access and the professional nature of the involvement are brought into play.<sup>109</sup> It is of course easier to appreciate why "privacy shields are voluntarily removed"<sup>110</sup> when the professional is asked for help,<sup>111</sup> and the client stands to benefit directly. In relationships as sometimes exist within the field of social welfare and often in social research,<sup>112</sup> where the anticipated 'trade-off' is more murky, cooperation in the one-sided modulation of /



of access to affairs that would normally be out of bounds, may well be harder to secure.

Among the more clear-cut professional-client encounters, medicine is a prime exemplar because, the body is a central preoccupation, the terms of engagement are well defined, and the ritualized conduct of relationships has been studied. "The relation between a physician and his patient ... requires that the patient make a full and frank disclosure to his physician of intimate personal and private information in order that the latter can make an informed diagnosis and render proper treatment".<sup>113</sup> The pragmatic justification<sup>114</sup> is backed up by "certain obligations ... with respect to the manner in which ... knowledge is obtained",<sup>115</sup> and for that matter 'rendered'. Both parties are at pains to make manifest the purposes of the exercise. There are, for instance, distinctive 'clinical' interaction patterns, well understood by medical staff and patients alike, which are designed to demonstrate to all that the access and confidences are being given by the 'patient' (not Mary or Richard Brown) and received by the trained 'professional' (not Jane or John Smith). "The exposure and manipulation of the patient's body would be a shocking and degrading invasion of privacy were the patient not defined as a technical object".<sup>116</sup> A Dr. Willoughby, called in to consult about a suspected breech birth in 1658, "crept privately ... into the chamber ... unknown to the Lady ... upon my hands and knees".<sup>117</sup>

More /

More commonly the "patient is dramaturgically transformed into a non-person" and his part then is "to play the role of being an object".<sup>118</sup> In their study of internal examinations, Henslin and Briggs trace the "transition from person to pelvis", a "depersonalizing" followed by a "repersonalizing stage" and return to the "full-person phase".<sup>119</sup> A similar sequence is suggested by T.S. Eliot:<sup>120</sup>

"In consultation with the doctor and the surgeon,  
In going to bed in the nursing home;  
In talking to the matron, you are still the subject;  
The centre of reality. But stretched on the table,  
You are a piece of furniture in a repair shop  
For those who surround you, the masked actors;  
All there is of you is your body  
And the 'you' is withdrawn..."

"Although defining a person as a technical object is necessary in order for medical activities to proceed", the problem is that "it constitutes an indignity in itself", and routines have to be developed that as far as possible "simultaneously acknowledge ... the patient as a person".<sup>121</sup> The very 'anonymity' of the encounter, as Joan Emerson shows so well in relation to gynaecological examinations, may be a source of trouble unless medical practitioners can "convey an optimal combination of impersonality and limits of intimacy that simultaneously avoid the insult of sexual familiarity and the insult of unacknowledged identity".<sup>122</sup> Whether this is successfully managed or not, the patient is also relying on "explicit or implicit guarantees of confidentiality to neutralize the /



the transfer of power which would otherwise accompany the bestowal of private information".<sup>123</sup> Clients need to be assured that the exposure will not be exploited to their disadvantage.<sup>124</sup> Given the "propensity of professional consultants to acquire ... information which ... would be a grave embarrassment ... if widely known",<sup>125</sup> there appears to be "greater readiness to accept intrusion into the private sphere where the intruder supplies an at least nominal guarantee that the information disclosed about private things will not be openly or widely circulated".<sup>126</sup> The importance of "an understanding that communications are not to be shared with non-authorized outsiders"<sup>127</sup> has long been recognized,<sup>128</sup> and is enshrined for doctors in the words of the Hippocratic Oath.<sup>129</sup> The "promise of non-disclosure"<sup>130</sup> is duly emphasized by other professional codes of ethics, and formalized both in the confessional<sup>131</sup> and the legal doctrine of 'privileged communications'.<sup>132</sup>

The foregoing illustrations of the patterning of privacy within particular relationships have demonstrated that "shading in the degree in which each unit reveals himself to the other through word and deed"<sup>133</sup> which Simmel spoke of. They have also suggested reasons for what tends to happen. Of course concrete relationships will often not be 'pure' examples of any of the types discussed, deviating from the norm and/or combining several elements. Indeed it is arguable that status considerations suffuse, not to say contaminate, nearly all /

all relationships, with there being for instance, "a more positive attitude toward intrusion by professional or authority figures".<sup>134</sup> But it is perhaps sufficient at this stage to have given some definite pointers to the part played by the structure and substance of relationships, as well as by what activities and information are at stake, in the determinations that are made about privacy entitlements and obligations.



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61. Kaspar D. Naegele, "Friendship and Acquaintance: An Exploration of Some Social Distinctions", Harvard Educational Review, 28, Summer 1958, 232-252, p. 243. Naegele defines trust as "being able to talk and knowing in turn that the other would not talk...He could receive confidences and keep them". Besides trust, he names "dependability and general acceptance as marks of friendship" (p. 244).



62. Georg Simmel, The Sociology of Georg Simmel, 1964, p. 320-321, "discretion consists by no means only in the respect for the secret of the other...but in staying away from the knowledge of all that the other does not expressly reveal to us".
63. Peter Kelvin, "Predictability, Power and Vulnerability", in Theory and Practice in Interpersonal Attraction, ed. Steven W. Duck, 1977, 355-378, p. 372.
64. Mirra Komarovsky, "Patterns of Self-Disclosure of Male Undergraduates", Journal of Marriage and the Family, 36, November 1974, 677-686, p. 679. See also Thomas Huff, "Thinking Clearly about Privacy", Washington Law Review, 55, no. 4, 1980, 777-794, p. 780, "the ultimate concern we have with privacy is this concern with the possibility of unauthorized evaluation".
65. Eldridge Cleaver, Soul on Ice (New York: Dell Publishing), 1968, p. 139.
66. Richard A. Wasserstrom, "Privacy: Some Arguments and Assumptions", in Philosophical Law, ed. Richard Brunaugh, 1978, 148-166, p. 157.
67. Ernest Becker, The Birth and Death of Meaning, 1962, p. 128.
68. Maria A. Rickers-Ovsiankina, "Social Accessibility in Three Age Groups", Psychological Reports, 2, September 1956, 283-294, p. 289.
69. Valerian J. Derlega, Midge Wilson and Alan L. Chaikin, "Friendship and Disclosure Reciprocity", Journal of Personality and Social Psychology, 34, October 1976, 578-582, p. 578.
70. Alfred R. Lindesmith and Anselm L. Strauss, Social Psychology, 1968, p. 333, "Privacy may be conceptualized as a series of concentric circles. The inner circle is forbidden to all trespassers. One's trusted intimates may enter the second circle, and so on, as one moves to outer circles that are accessible to all". Erving Goffman, Behavior in Public Places, 1963, p. 242, talks of "'circles of the self' which persons present draw round themselves and for which the individual is obliged to show various forms of respect".
71. Irwin Altman and Dalmas A. Taylor, Social Penetration: The Development of Interpersonal Relationships, 1973, p. 136.
72. Kenneth B. Little, "Personal Space", Journal of Experimental Social Psychology, 1, August 1965, 237-247, "a series of fluctuating globes of space, each defining a region for certain types of interactions".



73. Edward T. Hall, "The Language of Space", American Institute of Architects Journal, 35, February 1961, 71-74, p. 71, "Man carries around him a series of spatial spheres, like bubbles, in which various categories of transactions are permitted".
74. For instance, Harold D. Lasswell, "The Threat to Privacy", in Conflict of Loyalties, ed. R.M. McIver, 1952, 121-140, p. 123.
75. John Schenk, "Urban Form and the Control of Private Life", Architecture in Australia, 61, April 1972, 173-178, p. 174.
76. Paul J. Muller and H.H. Kuhlmann, "Integrated Information Bank Systems, Social Book-Keeping and Privacy", International Social Science Journal, 24, no. 3, 1972, 584-602, p. 591.
77. Sidney M. Jourard, "Self-Disclosure and Other Cathexis", Journal of Abnormal and Social Psychology, 59, November 1959, 428-431, p. 428.
78. Ibid. "A consistent finding in the literature on self-disclosure is the phenomenon of disclosure reciprocity". For empirical demonstrations see, for example, a laboratory experiment by Morgan Worthy, Albert L. Gary, Gay M. Kahn, "Self-Disclosure as an Exchange Process", Journal of Personality and Social Psychology, 13, September 1969, 59-63, and a role-playing experiment by Paul C. Cozby, "Self-Disclosure, Reciprocity and Liking", Sociometry, 35, no. 1, 151-160.
79. 'Degree of liking' has been shown, for instance, to correlate with "the amount of disclosure-output to colleagues" among staff and students in college settings. Sidney M. Jourard, "Self-Disclosure and Other Cathexis", Journal of Abnormal and Social Psychology, 59, no. 3, 1959, 428-431, p. 431, reporting on a study of only nine faculty members at a college of nursing. Maureen F. Fitzgerald, "Self-Disclosure and Expressed Self-Esteem, Social Distance and Areas of the Self Revealed", Journal of Psychology, 56, June 1963, 405-412, p. 412, records "significantly more disclosed to a girl liked best, significantly less to an average girl and very little to one liked least", among 300 students at a women's college. Jourard's observation that "the data do not show, however, whether liking precedes disclosure, disclosure precedes liking, or whether both of these factors are determined by something else altogether" is still substantially accurate. He also suggests in Self-Disclosure: An Experimental Analysis of the Transparent Self, 1971, p. 102, that "among women, liking for a person is a strong correlate of disclosure to that person", while for men, knowledge of that person is a stronger correlate".



80. Sidney M. Jourard, "An Exploratory Study of Body-Accessibility", British Journal of Social and Clinical Psychology, 5, September 1966, 221-231, found visual and tactile contact greatest among cross-sex friends; Sidney M. Jourard and Paul Lasakow, "Some Factors in Self-Disclosure", Journal of Abnormal and Social Psychology, 56, January 1958, 96-98, found verbal disclosure highest among spouses.
81. Christopher Alexander, "The City as a Mechanism for Sustaining Human Contact" in Urbanman, eds. John Helmer and Neil A. Eddington, 1973, 239-274, 241. See also Charles Fried, "Privacy", Yale Law Journal, 77, January 1968, 475-493, p. 484, "intimacy is the sharing of information about one's actions, beliefs or emotions which one does not share with all and which one has the right not to share with anyone".
82. Thomas J. Cottle, Private Lives and Public Accounts, 1977, p. 19.
83. John C. Raines, Attack on Privacy, 1974, p. 55.
84. Tern L. Morton, "Intimacy and Reciprocity of Exchange: A Comparison of Spouses and Strangers", Journal of Personality and Social Psychology, 36, January 1978, 72-81, p. 79.
85. Jeffrey H. Reiman, "Privacy, Intimacy and Personhood", Philosophy and Public Affairs, 6, Fall 1976, 26-44, p. 35.
86. John Bowen, The Birdcage (Harmondsworth, Middlesex: Penguin Books), 1964, p. 20.
87. Barry Schwartz, "The Social Psychology of Privacy", American Journal of Sociology, 73, May 1968, 741-752, p. 744.
88. Georg Simmel, The Sociology of Georg Simmel, 1968, p. 315. Henry D. Thoreau wrote in his journal for February 22, 1841, that "Friends will be much apart; they will respect more each other's privacy than their communion", Henry D. Thoreau, The Journal of Henry D. Thoreau, ed. Bradford Torrey and Francis H. Allen (Boston, Massachusetts: Houghton Mifflin), vol. 1, 1837-1846, 1949, p. 220.
89. Georg Simmel, The Sociology of Georg Simmel, 1968, p. 404.
90. Maria A. Rickers-Ovsiankina and Arnold A. Kusmin, "Individual Differences in Social Accessibility", Psychological Reports, June 1958, 391-406, p. 395.
91. Nancy J. Marshall, "Privacy and Environment", Human Ecology, 1, September 1972, 93-110, p.94.



92. Lee R. Drag, "The Bus-Rider Phenomenon and Its Generalizability: A Study of Self-Disclosure in Student-Stranger Versus College-Roommate Dyads", unpubl. Ph.D. Thesis University of Florida, 1971, p. 86.
93. Ibid., p. xi. Rather misleadingly she calls them 'relative' and 'absolute' strangers, whereas, they are in fact all strangers and the difference lies in expectations about whether or not they will remain so.
94. Zick Rubin, "Disclosing Oneself to a Stranger: Reciprocity and Its Limits", Journal of Experimental Social Psychology, 11, May 1975, 233-260, p. 256.
95. Paul C. Cozby, "Self-Disclosure: A Literature Review", Psychological Bulletin, 79, February 1973, 73-91, p. 82, reports on work by P. Murdoch, R. Chenowith and K. Rissman, "Eligibility and Intimacy Effects on Self-Disclosure", Paper presented at the meeting of the Society of Experimental Social Psychology, Madison, Wisconsin, Oct. 31 - Nov. 1, 1969.
96. A.Y. Branch, "Until We Meet Again: Anticipation of Future Interaction and Self-Disclosure", unpubl. Ph.D. Thesis Harvard University, 1974, and cited by Zick Rubin, "Disclosing Oneself to a Stranger: Reciprocity and Its Limits", Journal of Experimental Social Psychology, 11, May 1975, 233-260, p. 241, apparently "failed in a laboratory setting to confirm the 'passing-stranger' hypothesis".
97. Richard A. Posner, "The Right of Privacy", Georgia Law Review, 12, Spring 1978, 393-422, p. 400.
98. Valerian J. Derlega and Alan L. Chaikin, Sharing Intimacy, 1975, p. 129, "disclosure is often easier to an anonymous stranger...the stranger moves on, posing little threat".
99. Maria A. Rickers-Ovsiankina and Arnold A. Kusmin, "Individual Differences in Social Accessibility", Psychological Reports, 4, June 1958, 391-406, p. 398.
100. William H. Foddy and William R. Finighan, "The Concept of Privacy from a Symbolic Interaction Perspective", Journal for the Theory of Social Behavior, 10, March 1980, 1-17, p. 10.
101. T.S. Eliot, The Cocktail Party (London: Faber and Faber), 1958, p. 29, Unidentified Guest speaking to Edward Chamberlayne:  
 "And I knew that all you wanted was the luxury  
 Of an intimate disclosure to a stranger".

102. John R. Silber, "Masks and Fig Leaves", in Privacy, eds. J. Roland Pennock and John W. Chapman, 1971, 226-235, p. 231.
103. Helmut R. Wagner, "Introduction", in Alfred Schutz, On Phenomenology and Social Relationships, ed. Helmut R. Wagner (Chicago, Illinois: University of Chicago Press), 1970, 1-50, p. 18.
104. Arnold Simmel, Functions of Privacy, October 1963, p. 16, "distance where it is associated with detachment or disinterest can open some regions of privacy normally kept closed to friends".
105. Robert F. Murphy, "Social Distance and the Veil", American Anthropologist, 66, December 1964, 1257-1274, p. 1266.
106. Edward Shils, in "Privacy: Its Constitution and Vicissitudes", Law and Contemporary Problems, 31, Spring 1966, 281-306, p. 303, says that there will be "more insistence on privacy before those whom one 'knows'...than before anonymous entrants into the private sphere".
107. Lee N. Robins, "The Reluctant Respondent", Public Opinion Quarterly, 27, Summer 1963, 276-286, p. 285. See also David Riesman and Jeanne Watson, "The Sociability Project: A Chronicle of Frustration and Achievement" in Sociologists at Work, ed. Phillip E. Hammond, 1964, 235-301, p. 269, "Exposure to strangers with whom one probably will never have any personal contact is of course, much less threatening than exposure to moderately close associates".
108. Zick Rubin, "Disclosing Oneself to a Stranger: Reciprocity and Its Limits", Journal of Experimental Social Psychology, 11, May 1975, 233-260, p. 255.
109. If informal assurances do not generate the required level of trust, resort may be had to explicit guarantees whose legal enforceability, it is hoped, will have a deterrent effect. Consider for example the following clause in the contracts signed by royal employees, "You are not permitted to publish any incident or conversation which may be within your knowledge by reason of your employment in the royal service, nor may you give to any person, either verbally or in writing, any information regarding her Majesty or any member of the Royal Family, which may be communicated to the press". Cited by Harry Street, Freedom, The Individual and The Law, 1967, p. 242.
110. Barry Schwartz, "The Social Psychology of Privacy", American Journal of Sociology, 73, May 1968, 741-752, p. 743.



111. "Physicians, priests and lawyers...are called for help", Lee Rainwater and David J. Pittman, "Ethical Problems in Studying a Politically Sensitive and Deviant Community", Social Problems, 14, Spring 1967, 351-366, p. 362.
112. "Professionals who obtain information...are usually called in by their clients for assistance. The sociologist is not ordinarily summoned by those he studies, nor at their service, nor for their benefit", Edward Sagarin, "The Research Setting and the Right not to be Researched", Social Problems, 21, Summer 1973, 52-64, p. 54.
113. William A. Challener, "The Doctor-Patient Relationship and the Right to Privacy", University of Pittsburgh Law Review, 11, Summer 1950, 624-635, p. 624.
114. Robert K. Merton, Sociological Ambivalence and Other Essays, 1976, p. 27, discusses the legitimation of "access to...functionally important information" within professional relationships.
115. Alexander Kira, The Bathroom, 1967, p. 184.
116. Joan P. Emerson, "Behavior in Private Places: Sustaining Definitions of Reality in Gynecological Examinations", in Recent Sociology, 2, Patterns of Communicative Behavior, ed. Hans P. Dreitzel, 1970, 74-97, p. 79.
117. Percival Willoughby, Observations in Midwifery, ed. Henry Blenkinsop (Warwick: H.T. Cooke), 1863.
118. James M. Henslin and Mae A. Briggs, "Dramaturgical Desexualization: The Sociology of the Vaginal Examination", in Studies in the Sociology of Sex, ed. James M. Henslin, 1971, 243-272, p. 264. "Allowing ourselves to be treated as objects" is part, says Erving Goffman, Frame Analysis, 1974, p. 35, of a "widespread understanding as to how to act when we are supposed to be merely bodies", when, for example, being "palpated by physicians".
119. James M. Henslin and Mae A. Briggs, "Dramaturgical Desexualization: The Sociology of the Vaginal Examination", in Studies in the Sociology of Sex, ed. James M. Henslin, 1971, 243-272, p. 235, p. 268 and p. 270.
120. T.S. Eliot, The Cocktail Party (London: Faber and Faber), 1958, p. 30.
121. Joan P. Emerson, "Behavior in Private Places: Sustaining Definitions of Reality in Gynecological Examinations", in Recent Sociology, 2, Patterns of Communicative Behavior, ed. Hans P. Dreitzel, 1970, 74-97, p. 79-80.

122. Ibid., p. 85.
123. Barry Schwartz, "The Social Psychology of Privacy", American Journal of Sociology, 73, May 1968, 742-752, p. 743.
124. Talcott Parsons, "Social Structure and Dynamic Process: The Case of Modern Medical Practice" in The Social System, 1951, 428-479, p. 452, refers to "assurances that information or other privileges will not be used for other purposes, or that access to the body will not be used to exploit the patient".
125. F.A.R. Bennion, Professional Ethics: The Consultant Professions and Their Code, 1969, p. 71.
126. Edward A. Shils, "Privacy: Its Constitution and Vicissitudes", Law and Contemporary Problems, 31, Spring 1966, 281-306, p. 303.
127. "A confidential relationship is one in which there is an understanding that communications are not to be shared with non-authorized outsiders", Stanley I. Benn, "The Protection and Limitation of Privacy", Australian Law Journal, 52, November 1968, 601-612, p. 603-604.
128. According to Ralph Slovenko, Psychotherapy Confidentiality and Privileged Communication, 1966, p. 4-5, "in the fourteenth century Chaucer observed: 'A doctor should be careful never to betray the secrets of his patients, either men or women, or belittle some to others, for if a man knows that other men's secrets are well kept, he will be the readier to trust you with his own'. I have tried, without success, to track down this reference.
129. "What I may see or hear in the course of the treatment or even outside the treatment in regards to the life of men, which on no account one must spread abroad, I will keep to myself holding such things shameful to be spoken about", Ludwig Edelstein, The Hippocratic Oath, 1943, p. 3.
130. "Confidentiality implies a trust relationship, a promise of non-disclosure", Judith Moss, "Confidentiality and Identity", Socio-Economic Planning Sciences, 4, March 1970, 17-25, p. 18.
131. Donald Madgwick and Tony Smythe, The Invasion of Privacy, 1974, p. 7, "the concept of anonymity is institutionalized in the Catholic faith by the device of the confessional - the priest is the anonymous stranger to whom one may safely give confidences".
132. See, for example, D.A.O. Edward, The Professional Secret, Confidentiality and Legal Professional Privilege in the Nine Member States of the European Community, 1976.



133. "In all relationships of a personally differentiated sort there develops...intensity and shading in the degree to which each unit reveals himself to the other through word and deed", Georg Simmel, "The Sociology of Secrecy and Secret Societies", American Journal of Sociology, 11, January 1906, 441-498, p. 441.
134. Rae S. Sternberg, Jean Chapman and David Shakow, "Psychotherapy Research and the Problem of Intrusion on Privacy", Psychiatry, 21, May 1958, 195-203, p. 202.

## CHAPTER EIGHT

'Evaluating Physical Factors and  
Reviewing the Study's Findings'



Conspicuously absent from the discussion so far, with its strong emphasis on the social foundations of privacy, is any consideration of physical factors and their influence. This chapter goes some way towards remedying that omission, before reviewing the main lines of argument and conclusions reached during the study.

Many people think of privacy in physical terms and, whilst "privacy cannot be understood solely in terms of the physical environment",<sup>1</sup> it is important to probe the extent to which "privacy options are a function of the ecological and physical properties of the environmental settings that circumscribe human behavior".<sup>2</sup> This is potentially another huge topic, with comparisons ranging from the large scale (e.g. rural and urban dwellers' conceptions and opportunities for privacy<sup>3</sup>) to the miniscule (e.g. perceptions of different chairs' "suitability for privacy and interaction"<sup>4</sup>). So illustrations will be relied on to give, as in previous chapters, glimpses of the connections between contextual particulars and privacy outcomes. I look first at the effects of practical characteristics on cultural distinctions drawn between locations as regards where activities take place and how readily outsiders are excluded. Although conventional definitions of appropriate places for privacy are shown to take advantage of and reinforce physical properties, this is certainly not to accord a determinist or even dominant role to the physical. For as I go on to demonstrate privacy also occurs in quite unpromising /

unpromising settings, which are socially manipulated to provide for those interpersonally negotiated restrictions of access normatively accepted as warranted by whole configurations of contextual details.

A recognition that "places vary in the amount of protection they afford from others",<sup>5</sup> appears to directly influence cross- and sub-cultural "definition(s) of some places as private and their protection as such",<sup>6</sup> plus understandings of which activities are properly carried out where. Ford and Beach, for example, show how a 'correct' choice of where to engage in sexual intimacies, (which it is generally felt should be exclusive interactions), depends on the privacy potentialities of indoor and outdoor locations. "The living quarters of some people are such that intercourse within the dwelling would inevitably be a public affair. Under such conditions the customary site for coitus is out of doors where a certain measure of privacy can be assured".<sup>7</sup> In Western society the house has increasingly become, as was demonstrated in the historical section, a place practically and normatively suited to the realization of privacy and those activities for which privacy is sanctioned. Despite the worries expressed about the erosion of rights in the Welfare State, access is restricted and largely at the discretion of the householder and family members, unlike say in the hospital where Irving Cobb felt he "was not having any more privacy ... than a goldfish".<sup>8</sup> Within the house, "bedrooms and  
, bathrooms /



bathrooms are perhaps the main shielding places".<sup>9</sup> The position of the bathroom is somewhat paradoxical because, as Kira points out, it is 'the only space where guests can lock themselves in and ... be free to snoop if they so desire'.<sup>10</sup> Yet it has "gradually assumed a special, privileged 'offlimits' character".<sup>11</sup> Phyllis McGinley talks of the bathroom as "a citadel"<sup>12</sup> and Auden<sup>13</sup> of

"the unclassical wonder of being  
all by oneself  
though our dwelling may still have a master  
who owns the front-door key  
a bathroom  
has only an inside lock  
belongs today to whoever  
is taking a bath  
among us  
to withdraw from the tribe at will  
be neither Parent  
Spouse nor Guest".

In the city context Lewis Mumford describes the public toilet as "the only place sacred from intrusion".<sup>14</sup> It is "physically enclosed" and "our society lays special emphasis on the privacy of the activities carried on in this enclosure".<sup>15</sup> Ironically, it is researchers interested in privacy who have recently started to use toilets as observational sites,<sup>16</sup> though not without objections being registered.<sup>17</sup> The other "island of privacy"<sup>18</sup> commonly identified is the automobile, "a secular sanctuary for the individual, his shrine to the self, his mobile Walden Pond".<sup>19</sup> The car, says Martin Pawley, is "a palace ... in the same sense as the private bathroom - both of them separate, encapsulate and remove certain aspects of behavior from the public eye".<sup>20</sup>

In /

In the foregoing examples the physical properties and the cultural readings of the possibilities for privacy mesh together, so that physical and cultural inputs are hard to distinguish and evaluate. There can be little doubt that "the physical arrangement of social establishments opens up and shuts off certain possibilities for interaction and withdrawal".<sup>21</sup> In my historical investigations a strong correspondence emerged between scope for privacy and the compartmentalization of living space. A recent study of 'Children's Privacy in the Home - Developmental, Ecological and Child-Rearing Determinants', showed "less privacy afforded children in smaller houses with fewer facilities".<sup>22</sup> Research examining the effects of the "manipulation of physical design characteristics"<sup>23</sup> in changeovers from conventional to "open-office landscaping"<sup>24</sup> ('burolandschaft'),<sup>25</sup> has found "architectural privacy - as embodied in places with physical means of visual and acoustic isolation - consistently associated with psychological privacy".<sup>26</sup> Many studies of house types, external and internal layouts, have begun to trace out the implications for privacy of different design details. At the same time however, it is also becoming quite clear that potentialities for privacy are not a fixed function of physical facilities. The privacy afforded in redesigned offices and similar housing units is not uniformly assessed by their occupants.<sup>27</sup> Likewise but more generally, cultural differences and social /



social commitments in conjunction with other contextual features, condition the extent to which and the occasions on which privacy is physically constrained.

If we consider what happens as regards the restriction of access in settings not physically conducive to privacy, then the social underpinnings are shown up more sharply.<sup>28</sup> Both in societies where "privacy hardly exists naturally",<sup>29</sup> and in unambiguously 'public' settings within less traditional societies, rituals exist for the invocation of privacy, as and when deemed appropriate. Among the Mehinaku, for instance, "all social relationships are rendered highly visible by the physical setting and the spatial design of the community".<sup>30</sup> Yet not only is full use made of such "zones of low observability" as exist "to insulate a wide range of activities from public view",<sup>31</sup> but recourse is had to the "ethnographically extraordinary custom of seclusion".<sup>32</sup> In addition, there are everyday "rules that place limits on the kinds of topics villagers can discuss and the kinds of questions they can ask", constituting a "code of politeness that is best described as discretion".<sup>33</sup> Thus, "where physical privacy is not feasible, various symbolic gestures or signals are utilized and respected".<sup>34</sup> The same can be true in public sectors of our own community life whenever Simmel's "reciprocal reserve and indifference"<sup>35</sup> is operative. Milgram's norms of "non-involvement"<sup>36</sup> or Goffman's "civil inattention" involve giving "enough visual notice /

notice to demonstrate that one appreciates the other is present ... while, at the next moment withdrawing one's attention from him so as to express that he does not constitute a target of special curiosity or design".<sup>37</sup>

Margaret Henderson provides detailed observations of behaviour in "the very active bus depot of a large city" where "privacy was physically non-existent, yet successfully created".<sup>38</sup> The main means were body positioning (e.g. overt turning away, folded arms, the angle of crossed legs) and the employment of props necessitating some activity (e.g. verifying appearance, reading, checking tickets, eating, repositioning luggage, moving around for "privacy 'on the hoof'"). Subway behaviour<sup>39</sup> and how occupants conduct themselves in public washrooms,<sup>40</sup> have also been taken to exemplify the ways in which "by utilizing body management ... the individual can create around himself a symbolic shield of privacy ... privatizing public space".<sup>41</sup> It thus begins to look like "the spatial organization of the surrounding environment mediates" but does not contain "the range of behavioral options and obligations",<sup>42</sup> because privacy is "a dynamic matter which" only partly "depends on environmental conditions".<sup>43</sup>

This blending of the physical with other influences, which sometimes entails the former's subordination or circumvention, is further illustrated by interaction patterns encountered in the library of educational institutions. /



institutions. The building or room is usually constructed and arranged so as to reflect and reinforce its status as a place to engage in activities which merit/necessitate the definition of most others as 'outsiders' and the restriction of their access. The library rather than the student common room is accordingly projected as an appropriate place to study and to expect privacy. Once there, as Robert Sommer and his associates have closely observed, "readers protect their privacy in many ways", by exploiting the structural properties of situations and, when these are not sufficient, by using symbolic means. "Avoidance which works best in a room with many corners, alcoves and peripheral areas hidden from view" is complemented by the "tactics of offensive displays",<sup>44</sup> so that "a table space" is "defended by position, posture, territorial markers or some combination of the three".<sup>45</sup> Choice of seat location, sitting with elbows out or fists clenched, and spreading out belongings are among the "number of different acts and objects that are employed as markers by which the borders of privacy are staked out".<sup>46</sup> Though physical settings obviously have an impact on the acceptability of privacy and on implementational techniques, this dimension does not appear to be of overwhelming importance. Just as it is not the case that "the achievement of privacy requires physical space",<sup>47</sup> privacy is not dependent on the availability of lockable doors".<sup>48</sup> Indeed, it is arguable that features like doors, partitions /

partitions and window shades are in themselves "fragile and symbolic boundaries",<sup>49</sup> whose effectiveness rests less on physical impenetrability than on "the cultural background of their communications and obedience to their implicit messages".<sup>50</sup> Without downgrading the contribution of physical elements to the patterning of privacy, attention is drawn to the cultural filtering of their effects, consistent with the account of privacy this study has been offering.

A review of the main features of that account takes up the remainder of this chapter and concludes the thesis. It is well worth looking at the contention that privacy is when access between persons and contextual outsiders is intentionally and acceptably restricted, in the light of what has been learned during the course of investigations. For the definition, although presented at the outset, was partly an outcome, plus its accuracy and usefulness are necessarily commented upon by the discussion it sets up about privacy's cultural supports, historical development and contemporary patterning. I started out convinced of the need to be explicit about what privacy was taken to be, and wanting to get away from thinking of privacy as a right exercised by the individual against society. Such a construction tends to misrepresent the nature of privacy and social life, and to cast discussions of pressing policy issues in unhelpful terms. Though initially less pessimistic than some about the chances of coming up with a /



a reasonable alternative, I became less sanguine than others (after collecting over two hundred formulations) that this had already been done, and decided to have a go myself. Dissatisfaction with existing interpretations centred on their failure to stress the problematic quality of privacy, whose possibility arises within certain social set-ups and on certain occasions, and then takes certain forms. The opportunities for privacy that the individual chooses or feels obliged to avail himself of, are socially provided inasmuch as the precept must be part of the behavioural repertoire, the details of the situation must be held to warrant the particular restriction of access, and the parties immediately concerned must be prepared to assist in the implementation of privacy. I was clearly committed to conceptualizing privacy as a discretionary option, whose pro-tem implementation is interpersonally negotiated and cooperatively realized, by reference to the culturally sanctioned appropriateness of contextual configurations.

Another drawback of some definitions was their inability to identify privacy sufficiently precisely so as to stabilize consistent features, allow for the variability displayed, and distinguish privacy from other phenomena. The constants stressed by my characterization, project privacy as an entitlement or obligation of persons, which wittingly restricts the access of those categorized as outsiders, in ways accepted willingly or grudgingly, /

grudgingly, by the individuals involved and society at large. The expectation that there will be wide variations in the incidence of different kinds of privacy, depending on situational and cultural circumstances, is created by the terms 'contextual' and 'acceptably'. If context determines where the boundaries of outsidership are drawn, and interpersonally mediated social ratification is required, then privacy will be highly variable. Moreover, if these variations are systematic rather than random, the investigator should be able to uncover some of the contributory factors and trace out some of their effects. Thus the representation adopted generates a framework for pursuing my interest in trying to link up privacy's circumstantial contingency with social perceptions and elements of social organization.

The reasonableness of construing privacy in the manner described was not put in doubt, either by the kinds of questions it opened up for discussion or by the findings which emerged from consideration of these topics. Though confidence has to be somewhat tempered by awareness of evidential deficiencies, the study does at least bring scattered information together and show up neglected areas. The first line of enquiry was into what makes privacy a viable proposition in terms of being culturally familiar and favourably evaluated, tackling in particular the notion of privacy as a by-product of modernity. As regards /



regards the entry of privacy into the social repertoire, this does not appear contingent on a society being 'modernized' or otherwise 'civilized', because privacy is not alien in all 'traditional' habitats. What seems to mark out societies in which privacy features is a recognition of individuals as such and some distinction between public and private spheres. Since the latter are part of the differentiation of all sorts that goes along with the modernizing process, privacy is always known about in modern societies. But not exclusively, for less 'advanced' communities exist where privacy is thinkable and some forms are workable. Nor is privacy encouraged in all modern societies, because dispositions towards privacy are dependent on the premium put upon the individual and the demarcation of public and private realms. After this broad scanning of privacy's cultural underpinnings, privacy's fortunes within a single culture are examined. The case study is of opportunities for and attitudes towards privacy in Britain, examining the relationships these have borne to other social developments.

The historical survey's substantive contributions feed back into the theoretical considerations of when and how privacy is brought 'into play' culturally. It also shows up differences in inclinations and abilities to obtain various kinds of privacy, which are more systematically addressed in the analytical section's attempts to pin down and explain privacy's situational variability. Beginning soundings /

soundings well before anyone would want to claim that Britain was modern, having rejected the 'modernity as the precondition of privacy' argument, the data confirm that privacy was known about and practiced well before 1700. Though the evidence is sparse and scrappy, it strongly suggests that while not an entrenched feature of social life, privacy was making conceptual and practical inroads among some groups, especially in regard to domestic arrangements. Opportunities for privacy increased in so far as houses became larger, had more differentiated living space, were better lit and heated. Because such developments were unevenly distributed in temporal, geographic and social senses, it would be wrong to extrapolate beyond the confines of the examples produced. But they are indicative of a pre-modern familiarity with privacy in Britain.

The eighteenth and nineteenth centuries provide the material which suggests that growing attachments to and expanded opportunities for privacy did go along, as earlier suggested, with movements towards greater individuality and the separation of spheres. The difficulties of establishing empirical realities and of reading in privacy motivations or consequences, without exaggerating the novelty of changes or the spread, depth and breadth of their social penetration, never disappear. But once we reach the modern period there is broad agreement and every indication that privacy became increasingly /



increasingly integrated into the life-styles of a widening social band, with middle-class domesticity a prime example. Though the mass of people were largely unaffected, rising standards of living among more privileged sectors made their houses more conducive to the realization of privacy. Corridors, staircases and special quarters segregated household inhabitants, especially servants, whilst recognition of privacy as a value was being promoted by behavioural codes. The pursuit of privacy was reinforced by the tendency for the family to become a more self-conscious unit and for domestic life in thought and practice to become separated out and screened off from other spheres. This detachment of the domestic realm is an example of the fostering of differentiation brought about as industrial modes of production became more prevalent and people began to move away from the land into urbanized conditions.

The enthusiasm for home-based privacy, which was gaining ground in the eighteenth century and coming to the fore in the nineteenth, centred on peer and status relationships with claims to exclude others strongly vested in property rights. This meant that the concern was socially restricted and there was relatively little agitation about the privacy of the citizen in regard to large scale authorities, which has of course become a dominant twentieth century theme. The question of how widely diffused commitments to privacy have and ought to have /

have become, preoccupies many observers of the recent historical scene. Considerable worries are expressed that twentieth century changes, such as the growth of state responsibilities and power, together with the development of new technology, has eroded the privacy available to individuals. Others however, convinced that the pernicious spread of attachment to privacy has undermined community feelings and produced an alienated loneliness, oppose this interpretation of what has happened and endorse differently directed policies. One way of increasing the likelihood of anything productive coming out of these fundamental clashes of opinion is to recognize their ideological bases, adopt less loaded concepts of privacy, and learn more about the mechanics of privacy, all of which have been striven for herein.

The analytical section is geared to examining how selected situational variables affect the patterning of privacy, in terms of whether and when what forms of privacy between whom are sought and accepted as appropriate. In the course of this examination assertions made by the proposed definition are expounded and expanded, so that a clearer picture emerges of its strengths and weaknesses. The idea that privacy entitlements and obligations belong to socially recognized 'persons' is taken up first and shown to be tenable, at least in Western cultures. Illustrations are given of how those who do not measure up /



up are unlikely to be accorded privacy themselves or shown deference by others' exercise of it. Over and above this qualifying criterion, the characteristics of actors, such as ethnicity, personality, SES, gender and age, obviously help shape inclinations and capacities for privacy, though much of the detail still eludes us. Everyday experiences and observations often come in as useful as research findings in trying to determine their impact. It does seem however that the young, the old and women, given their position and roles in society, are less well placed to secure privacy than more powerful groups, and that lower status in general as well as in particular, reduces the opportunities afforded individuals for availing themselves of privacy. The size and importance of the gaps between aspirations and achievements are hard to assess, and if adaptive notions are relied on inequalities will tend to persist.

Equally self-evident is the fact that privacy desires and chances are not conditioned simply by people's identity. Other contextual details are involved, such as the activity or information at issue, the relationship between the parties concerned, and the physical environment. The penultimate chapter investigates how boundaries between insiders and outsiders are differently drawn according to how much of one's affairs and which aspects are believed to be appropriately shared or not shared within particular relationships. Whilst cross- and sub-cultural variations, plus /

plus the significance of the situational particulars obtaining on any actual occasion, should never be underestimated, a greater protectiveness appears to surround sexual, medical and financial matters compared to less sensitive areas. The impact of relationships on decisions about the restriction of access, so keenly apparent when there are status differentials, is further demonstrated by reference to what happens within 'friendship', 'stranger' and 'professional' encounters. Just as privacy offers scope for non-conformity, access exposes vulnerabilities, so that either state is rendered more acceptable by expectations and assurances that it will not be improperly exploited. As people become friends and better acquainted, the wish for privacy declines in proportion to the build up of trust that the other will be tactful and discrete, (though certain areas may continue to be shielded). Strangers who do not anticipate future interaction tend to be less guarded with one another, in the belief that the knowledge acquired will be inconsequential. When the purposes for which professional relationships are entered into require that privacy is not invoked as the client ordinarily would, access is encouraged by ritualized routines and codes which emphasize that the effects of exposure will not be detrimental.

A further input in determining the circumstances in which certain kinds of privacy tend to be judged appropriate and accepted, are the physical settings within which human activity takes place. Building layouts, for instance, differ /



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differ in the extent to which they encourage or discourage privacy, and how readily they can be manipulated for such purposes. The fact that similar order environments are not equally conducive to privacy is partly a consequence of their physical properties and partly culturally conditioned. Within Western society, for example, houses and cars, bedrooms and bathrooms, are locales where privacy for approved activities and participants is both practicable and socially sanctioned. On the whole the feasibility of privacy appears to be limited less by physical constraints than by social convictions about its specific advisability or otherwise. For in those circumstances where practical considerations are unpromising but the securing of privacy is thought justified, culturally ingenious solutions are found. Several illustrations are given of the symbolic methods employed in primitive and developed societies alike, to create privacy in the most public of settings.

So much for the conclusions reached during my search to make better sense of factors governing the incidence of privacy. The means of approach has been to think of privacy as the discretionary yet cooperative exercise of a culturally provided option or obligation, based on agreement about the reasonableness given the circumstances, of access to certain matters being restricted between particular parties. As indicated would happen, the specific definition used has been tested out, proving fairly equal to the task as regards the areas opened up for investigation and not shown to be inaccurate /

inaccurate in the claims made about the nature of privacy. What reservations I have relate to whether in the process of being pared down, so that it will be economical and a potentially useful tool, the definition has become too dense so that the intended meanings which lie behind each constituent have been submerged. If a gloss is needed to make it clear, for example, that 'acceptable' should not be taken to imply a consensus view, then further reworking and rewording are required. But I hope that its negotiative and interactive thrust is sufficiently forceful to have illuminated some of the dark corners referred to in my opening remarks about the problematic of privacy, and to commend the virtues of conceptualizing privacy along these lines. By moving away from a 'rights' interpretation of privacy, the important policy questions of whether the boundaries between insiders and outsiders are being appropriately drawn, and where the power to make such determinations ought to reside, could be directly addressed.



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2. Robert S. Laufer and Maxine Wolfe, "Privacy as a Concept and a Social Issue: A Multidimensional Development Theory", Journal of Social Issues, 33, Summer 1977, 22-42, p. 28-29.
3. There are indications all ways as regards the importance attached to privacy by ruralites and urbanites. Nancy J. Marshall, ("Environmental Components of Orientations Toward Privacy", in Edra Two, eds. John Archea and Charles Eastman, 1970, 246-251, p. 250), found that "the 'privacy-prone' individual's...past environment is notable for the large proportion of time spent in large towns". Ronald E. Anderson, ("Sociological Analysis of Public Attitudes Towards Computers and Information Files", American Federation of Information Processing Societies Proceedings, 40, Spring 1972, 649-657, p. 655), reports only one percentage point differences in the Minnesota Poll between "urban (67%) and rural (66%) tendencies to value privacy". The research for the Younger Report, (Kenneth G. Younger, Report of the Committee on Privacy, Cmnd. 5012, Appendix E, p. 235, para. 4.2.), recorded that "rural dwellers tended to think privacy more important than town dwellers".
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5. John Lofland, Deviance and Identity (Englewood Cliffs, New Jersey: Prentice Hall), 1969, p. 63.
6. David Canter, The Psychology of Place, 1977, p. 179.
7. Clellan S. Ford and Frank A. Beach, "Circumstances for Coitus", Patterns of Sexual Behavior, 1951, 68-84, p. 73.
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9. Erving Goffman, Behavior in Public Places, 1963, p. 39.
10. Alexander Kira, The Bathroom, 1967, p. 167.
11. Ibid., p. 182.
12. Phyllis McGinley, "A Lost Privilege", in The Province of the Heart, 1962, 53-59, "The only apartment left for a citadel is the bathroom".

13. W.H. Auden, "VII Enconium Balnei", in About the House (London: Faber and Faber), 1966, 29-32, p. 30-31.
14. Lewis Mumford, The City in History, 1961, p. 269.
15. New York University Law Review, "Note From Private Places to Personal Privacy: A Post Katz Study of Fourth Amendment Protection", New York University Law Review, 43, November 1968, 968-987, p. 984.
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20. Martin Pawley, The Private Future, 1973, p. 52.
21. Barry Schwartz, "The Social Psychology of Privacy", American Journal of Sociology, 73, May 1968, 741-752, p. 746.
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23. Francine C. Justa and Marian B. Golan, "Office Design: Is Privacy Still a Problem?", Journal of Architectural Research, 6, August 1977, 5-12, p. 5.
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30. Thomas Gregor, Mehinaku, 1977, p. 139.
31. Ibid., p. 92.
32. Ibid., p. 223.
33. Ibid., p. 101-102.
34. Paul A. Freund, "Privacy: One Concept or Many", in Privacy, eds. J. Roland Pennock and John W. Chapman, 1971, 182-198, p. 196.
35. Georg Simmel, The Sociology of Georg Simmel, 1964, p. 418.
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42. John Archea, "The Place of Architectural Factors in Behavioral Theories of Privacy", Journal of Social Issues, 33, Summer 1977, 116-137, p. 121.
43. William H. Foddy and William R. Finighan, "The Concept of Privacy from a Symbolic Interaction Perspective", Journal for the Theory of Social Behavior, 10, March 1980, 1-17, p. 7.
44. Robert Sommer, "Sociofugal Space", American Journal of Sociology, 72, May 1967, 654-660, p. 658.
45. Robert Sommer, "The Ecology of Privacy", Library Quarterly, 36, July 1966, 234-248, p. 243.
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48. Barry Schwartz, "The Social Psychology of Privacy", American Journal of Sociology, 73, May 1968, 741-752, p. 750.
49. Peter K. Manning, "Locks and Keys: An Essay on Privacy", in Down to Earth Sociology, ed. James H. Henslin, 1972, 83-94, p. 84.
50. Glenorchy McBride, "Privacy: A Relationship Model", Man-Environment Systems, 7, May 1977, 145-154, p. 145.



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APPENDIX: DEFINITIONS OF PRIVACY

1. Alfano, Guy S., "right...to privacy, that is, the right of the individual to restrict data to himself or to limits its dissemination".

"Privacy of the Data Generator", Journal of Clinical Computing, 2, no. 1, 1972, 2-5, p. 3.

2. Altman, Irwin a. "Privacy is an interpersonal boundary control process, designed to pace and regulate interactions with others."

"Privacy: A Conceptual Analysis", in Man-Environment Interactions, ed. Daniel H. Carson (Stroudsburg, Pennsylvania: Dowden, Hutchinson & Ross), 1974, pt. II, 3-28, p. 3.

- b. "For my purposes, privacy will be defined as selective control of access to the self or to one's group".

The Environment and Social Behavior (Monterey, California: Brooks/Cole), 1975, p. 18.

- c. "privacy is better approached as a changing self/other boundary-regulation process in which a person or a group sometimes wants to be separated from others and sometimes wants to be in contact with others."

The Environment and Social Behavior (Monterey, California: Brooks/Cole), 1975, p. 207.

3. American Sociological Association Committee on Information, Technology and Privacy, "Privacy is our right to determine what information about ourselves we will share with others."

"Report of the Committee", American Sociologist, 5, November 1970, 409-411, p. 410.



4. Archea, John, "how we present ourselves to others is the essence of privacy".

"The Place of Architectural Factors in Behavioral Theories of Privacy", Journal of Social Issues, 33, Summer 1977, 116-137, p. 130.

5. Aufrecht, Stephen E., "We can now define privacy as the state in which a person lives protected from the rest of the world by various tangible and intangible barriers. These barriers protect the individual from unwanted disturbances from without, and also keep in personal information."

"A Critical Examination of the Concept of Privacy and its Implications", unpubl. Ph.D Thesis, University of Southern California, 1977, p. 54.

6. Ball, Donald W., "By privacy is meant one's ability to engage in activities without being observed by noninvolved others."

"Privacy, Publicity, Deviance and Control", Pacific Sociological Review, 18, July 1975, 259-278, p. 260.

7. Bates, Alan P., a. "Provisionally, the term may be defined as a person's feeling that others should be excluded from something which is of concern to him, and also a recognition that others have a right to do this."

"Privacy - A Useful Concept?", Social Forces, 42, May 1964, 429-434, p. 429.

b. "Privacy is a structured portion of a person's total phenomenological field. It is differentiated from the field by the fact that the self is in some degree involved in excluding in some (or possibly all) circumstances, some (or possibly all) other persons from knowledge in the person's possession."

"Privacy - A Useful Concept?", Social Forces, 42, May 1964, 429-434, p. 430.

8. Bazelon, David L., "I will treat privacy as the unitary concept of separation of self from society."

"Probing Privacy", Gonzaga Law Review, 12, Summer 1977, 587-619, p. 588.

9. Beardsley, Elizabeth L., "selective disclosure constitutes the conceptual core of the norm of privacy".

"Privacy: Autonomy and Selective Disclosure", in Privacy, Yearbook of the American Society for Political and Legal Philosophy, Nomos 13, eds. J. Roland Pennock and John W. Chapman (New York: Atherton Press), 1971, 56-70, p. 70.

10. Bender, Paul, "the 'right of privacy' does not have to do with solitude as such, but with the freedom to be one's own self - to make independent decisions about how one wishes to use one's mind and body".

"Privacies of Life", Harper's, 248, April 1974, 36-45, p. 36.

11. Bensman, Joseph and Lilienfeld, Robert, "Privacy refers to the individual in relation to himself: his sense of his own uniqueness and apartness, and his sense of having a historical (ontogenic) continuity that transcends both the intimacy which is in part continuously defined in close association with others and the public performances which exhaust only a portion of his total self."

Between Public and Private (New York: Free Press), 1979, p. 28.

12. Beresford, John C. and Rivlin, Alice M., "By 'privacy' we mean the occupancy by an individual or a nuclear family of a separate dwelling unit not shared with other relatives or non-relatives."

"Privacy, Poverty and Old Age", Demography, 3, no. 1., 1966, 247-258, p. 247.



13. Berlin, Isaiah, "The sense of privacy itself, of the area of personal relationships as something sacred in its own right."

"Two Concepts of Liberty", in Four Essays on Liberty (London: Oxford University Press), 1969, 118-172, p. 129.

14. Bloustein, Edward J., "the right to privacy is the right of the individual to control and determine to what degree and under what conditions others shall know his innermost thoughts and feelings, know the intimate facets of his life".

"The Right to Privacy: The Legal Background", Public Opinion Quarterly, 30, Fall 1966, 458-459, p. 459.

15. Boissevain, Jeremy, "to be able to maintain the minimal distance - another term perhaps for privacy".

Friends of Friends (Oxford: Basil Blackwell), 1974, p. 144.

16. Boruch, Robert F., "The essential element of an individual's right to privacy is considered here as the opportunity to make one's own decision as to the extent to which he is willing to reveal his thoughts, feelings, and actions."

"Maintaining Confidentiality of Data in Educational Research", American Psychologist, 26, May 1971, 413-430, p. 413.

17. Boruch, Robert F. and Cecil, Joe S., "Privacy refers here to the state of an individual: whether the individual's attitudes or experiences are known to another."

Assuring the Confidentiality of Social Research Data (Philadelphia, Pennsylvania: University of Pennsylvania Press), 1979, p. 23.

18. Bouvard, Marguerite G. "Privacy can be defined as the right to control one's information system and one's physical being."  
and Bouvard, Jacques,

Computerized Information and Effective Protection of Individual Rights", Society, 12, September-October 1975, 62-67, p. 64.

19. Bower, Robert T. and "privacy defined as the individual's right to decide what of himself he will expose, to whom and in what circumstances".  
de Gasparis, Priscilla,

Ethics in Social Research (New York: Praeger), 1978, p. 35.

20. Breckenridge, Adam C., "Privacy, in my view, is the rightful claim of the individual to determine the extent to which he wishes to share of himself with others and his control over the time, place, and circumstances to communicate to others."

The Right to Privacy (Lincoln, Nebraska: University of Nebraska Press), 1970, p. 1.

21. Brodie, Donald W., a. "Privacy has two facets. One precludes obtaining any information, the other forecloses certain methods of obtaining information, whether or not the information is confidential."

"Privacy: The Family and the State", University of Illinois Law Forum, 4, 1972, 743-769, p. 745.

- b. "Privacy includes what the state has no right to know as well as what the state can know but should not disclose."

"Privacy: The Family and the State", University of Illinois Law Forum, 4, 1972, 743-769, p. 769.



22. Bruce, Nigel and Goda, David, "We take privacy to be the right of a person to determine in general and in particular the extent to which others are allowed to intrude into his affairs."

"Confidentiality and Privacy in Social Research", in Research Bulletin, no. 2 (Edinburgh: Department of Social Administration, University of Edinburgh), March 1979, 30-35, p. 30.

23. Brussaard, B.K., "by privacy is meant the general feeling that information registered anywhere, anytime and for any purpose on a man and his doings should not without restriction be known or accessible to other people."

"The Price of Privacy", in Privacy and Protection of Personal Information in Europe, A Staff Report of the Committee on Government Operations, United States Senate, Committee Print, 93rd Congress, 2nd Session (Washington, D.C.: G.P.O.), March 1975, 112-118, p. 112.

24. Bulmer, Martin, "The concept refers to the extent to which an individual, group or institution controls the dissemination of information about oneself or itself to others."

"Privacy as an Issue Affecting Social Research: A Note of Caution", in Data Protection and Social Science Research, eds. Ekkehard Mochmann and Paul J. Muller (Frankfurt: Campus Verlag), 1979, 180-212.

25. Bushnell, Don D., "What do we mean by the right of privacy? A good definition might read as follows: It is the right of the individual - including the child and the adolescent - to decide for himself, under most circumstances, what information about him should be communicated to others under what conditions."

"The Information Utility and the Right of Anonymity", Educational Technology, 7, December 30, 1967, 1-5, p.4.

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"Privacy and Courtyard Housing: Technical Study",  
Architects' Journal, 2, January 14, 1970, 101-106, p. 104.

27. Canter, David, "From our analysis, privacy becomes... a state of balance in the process by which particular places are thought of as being closely related to activities - activities which we regard as so intertwined with our self-concept that we wish to keep close control over their availability."

The Psychology of Places (London: Architectural Press),  
1977, p. 179-180.

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Kenny, Cheryl, balance (or at least 'freedom' to  
achieve that balance) between  
'information' which comes to a person and that which he puts out".

"The Spatial Environment", in Environmental Interaction, eds.  
David Canter and Peter Stringer (London: Surrey University  
Press), 1975, 127-163, p. 140.

b. "Privacy is a personal matter. It encompasses all behaviour that sets the individual apart."

"The Spatial Environment", in Environmental Interaction, eds.  
David Canter and Peter Stringer (London: Surrey University  
Press), 1975, 127-163, p. 163.

29. Carter-Ruck, P.F., "privacy...the state or condition of being withdrawn from the society of others or from the inquisitive interest of others".

"Privacy and the Press", Journalism Today, 2, Spring 1971,  
5-15, p. 3.



30. Chapin, F. Stuart, "Privacy is the freedom to be by oneself."

"Some Housing Factors Related to Mental Hygiene", Journal of Social Issues, 7, 1951, 164-171, p. 165.

31. Chermayeff, Serge and Alexander, Christopher, "privacy, that marvelous compound of withdrawal, self-reliance, solitude, quiet, contemplation, and concentration".

Community and Privacy (New York: Doubleday, Anchor), 1965, p. 38.

32. Chu, Albert L.C., "The concept of privacy, stripped to its bare bones, stems from a person's animalistic need to shield his inner self from overexposure to the outside world."

"The Need to Know: "The Right to Privacy", Business Automation, 18, June 1971, 30-35, p. 30.

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"Privacy and Crowding - Their Meaning in the Urban Context", in New Trends in Urban Planning, ed. Dan Soen (Oxford: Pergamon Press), 1972, 245-250, p. 246.

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"Privacy Aspects in the Dwelling: Design Considerations", Journal of Architectural Research, 6, July 1978, 19-27, p. 20.

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"Privacy: Early Development, Gender, and Privacy Needs", unpubl. Ph.D thesis Adelphi University, 1980, Dissertation Abstracts, vol. 41/04-B, October 1980, p. 1563.

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"Privacy: Should There Be a Right to It?", Educational Theory, 26, Summer.1976, 263-270, p. 263.

37. Cottle, Thomas J., "what one might call the ownership of psychological property or, more simply, privacy".

"On Exposing Ourselves in Public", in Private Lives and Public Accounts (Amherst, Massachusetts: University of Massachusetts Press), 1977, 41-48, p. 41.

38. Cozby, Paul C. and a. "Privacy implies (a) the freedom to remove one's self from the tensions of interacting with others and (b) the freedom to interact with certain people without having to respond to the intrusions of others."  
Rosenblatt, Paul C.,

"Privacy, Love and In-Law Avoidance", Proceedings of the American Psychological Association, 79th Annual Convention, 1971, 277-278, p. 277.

b. "Privacy was defined as proximity of sleeping quarters with respect to coresident kin authorities."

"Privacy, Love and In-Law Avoidance", Proceedings of the American Psychological Association, 79th Annual Convention, 1971, 277-278, p. 277.

39. Cranston, Maurice, "privacy is a domain where a man shall either be alone, or in the company only of such other persons as he chooses to admit: an area where he may either tell no one or tell only selected persons what he feels or believes: a zone of intimacy and exclusive relationships: a space within which any unsought-for presence will be felt as an intrusion, frustrating, embarrassing, painful or merely disturbing".

"A Private Space", Social Science Information, 14, Summer 1975, 41-57, p. 54.



40. Crawford, Albert B., "Privacy involves a 'letting alone'; it involves non-regulation, non-intrusion, non-surveillance, non-presence, non-trespass, and the like."

"Privacy, Morality and Self-Interest", unpubl. Ph.D Thesis Southern Illinois University, 1968, p. 95.

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"The Multistate Information System and Confidentiality and Privacy Protection", in Safeguarding Psychiatric Privacy: Computer Systems and Their Uses, eds. Eugene M. Laska and Rheta Bank (New York: John Wiley), 1975, 405-445, p. 408.

42. Davis, Ruth M., "Privacy is a concept which applies to individuals. It is the right of an individual to decide what information about himself he wishes to share with others and also what information he is willing to accept from others, i.e. he is freed from observation by others when he so wishes and he is free to select from the universe the information he wishes to assimilate unto himself."

"Privacy and Security in Data Systems", Computers and People, 23 March 1974, 20-27, p. 21.

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